READINGS IN
KAUṬILYA'S
ARTHĀŚĀSTRA

5285

B.P. SINHA

READINGS IN
KAUṬILYA'S
ARTHAŚĀSTRA

Sinha, Bindeshwari Prasad, 1919–

Readings in Kauṭilya's Arthaśāstra / B.P. Sinha. — Delhi : Agam Prakashan ; New Delhi : exclusively distributed by D.K. Publishers' Distributors, 1976.

184 p. ; 23 cm.

Includes bibliographical references and index.
On an ancient work on statecraft by Kautalya, also known as Chanakya, 4th cent. B.C.
Rs50.00 ($10.00)

1. Kautalya. Arthaśāstra—Addresses, essays, lectures. 2. Administrative law—India, Ancient—Sources. 3. India, Ancient—Social life and customs. 4. Political science—History—India, Ancient. I. Title.

320.1
WxC6:g L6 DK-76My-4441

READINGS IN KAUṬILYA'S ARTHAŚĀSTRA

B. P. SINHA
Professor & Head,
Department of Ancient Indian History
and Archaeology,
Patna University.

AGAM PRAKASHAN
DELHI

First Published 1976
© Bindeshwari Prasad Sinha (b. 1919)

Published by
Agam Prasad for
AGAM PRAKASHAN
1736, Trinagar
DELHI-110035

5285

State Museum Library
Lucknow

Exclusively Distributed by
D. K. Publishers' Distributors,
1, Ansari Road, Darya Ganj,
NEW DELHI-110002
Phone : 274819

Printed by
Pioneer Fine Art Press
Ajmeri Gate,
DELHI-110006

INTRODUCTION

SINCE its discovery in the early years of the twentieth century, the *Kauṭilya Arthaśāstra* has been used by scholars of Indian history with such a gusto as rarely seen in utilisation of any ancient source material. The present author has been for many years lecturing to his post-graduate students on this treatise, and has also contributed research papers on some topics pertaining to this work. Generally, scholars have drawn upon the *Arthaśāstra* to promote their views on ancient Indian administration in general and the Mauryan polity in particular. It has been treated more for corroboration of ideas or other sources, literary, archaeological and foreign accounts. In the essays collected in the present volume what has been attempted is to collect from all over the treatise what it contains about a particular topic under study and to analyse the data. In one word we have here what the *Arthaśāstra* has to say, without going into its date and authenticity and its position as regards other sources. It is true that a critical examination of the data collected here with may throw significant fresh light on the problem of the date as well.

It is recognised that the *Arthaśāstra* is a veritable mine of interesting information regarding many other aspects of life and institutions of the time which have not been treated in the present volume. It is proposed to take up the untouched subject together with discussion of its date and authenticity in a subsequent volume.

For the text and translation R.P. Kangle's volumes on *Kauṭilya's Arthaśāstra* have been relied upon.

Patna University,
PATNA

B. P. Sinha

CONTENTS

1. A Welfare State 1—18
2. The King 19—47
3. The Civil Service 48—68
4. Food and Agriculture 69—85
5. Industries 86—96
6. Control of Market 97—115
7. Law and Justice 116—129
8. Social Life 130—152
9. Food and Drink 153—158
10. Slaves and Labourers 159—169
11. Religion 170—179

Index 180—184

1

A WELFARE STATE

THE concept of a welfare-state in modern times is recent. The social problems created by the Industrial Revolution and the experience of the two world-wars demonstrated the defects of a *laissez-faire* state based on the principle of free competition and non-interference by the state. It is now realised that the state has a positive role to play in the economic and social spheres. In the opinion of modern political and social thinkers the state bears the responsibility to increase the national dividend which is not only the increase in the total supply of goods and services but in the moral and social well-being of the citizen also. To achieve this aim the state has the power and justification to interfere in the running of private enterprises, and to control markets, and in the interest of the welfare of the citizens to directly run industries, trade and commerce. Mr. Pigou in *Economics of Welfare* and Lord Beveridge in *Full Employment in a Free Society* suggested a series of measures which a state committed to the welfare and happiness of its citizens should undertake. A few of these are: the state (i) to run a few important industries, (ii) to coordinate private investment and industries with a view to fit in the general plan of economic development, (iii) to control production, markets, prices and sale with a view to safeguard the interest of the common people against the unscrupulous industrialists, traders, and profiteers, (iv) to regulate relations between the employers and the employees with a view to avoid strikes and lockouts resulting in reduced production and loss of national income, (v) to control foreign trade in the interest of the security of the State and the good of the people, and (vi) to organise social insurance for the needy and to provide adequate medical facilities to the citizens. In the opinion of Beveridge these recommended measures will assure full employment in a free society without its becoming entirely a collectivist or socialist state. Such a state will certainly be regarded a 'welfare state' inspired by the ideal of promoting the welfare and happiness of the citizens. The interests of the people were to be the interests of the sovereign authority. This is the nature of a welfare state.

It is very instructive and gratifying to note that in its ideals and in its programme of action in the varied aspects of its citizen's life the Kauṭilīyan state partakes of practically in full, the nature of a welfare state of today. The Kauṭilīyan state was not a *laissez-faire* state. It actively shared in the economic activities of the kingdom and controlled private enterprise in many ways. The state owned mines, and the Superintendent of mines was to exploit mines which required little expenditure. The Superintendent of mines had to establish factories for the manufacture of articles of conch shells, diamonds, precious stones, pearls, and salt.[1] The state possessed extensive crown-lands which were cultivated by the Superintendent of agriculture assisted by a trained staff. He was responsible for the employment of labourers, carpenters, blacksmiths, and for the maintenance of old or for provision of new irrigation works like canals, tanks, wells, etc., out of which water could be drawn by hand or some mechanical devices. If necessary labour and resources could not be arranged, the superintendent instead of leaving the lands fallow was to arrange for its cultivation by tenants on varying terms.[2] Uncultivated waste lands were the property of the state and the king was required to settle these. New villages were set up and the cultivators of the Vaiśya and the Śūdra caste, naturally hardy cultivators, were given preference in settling in such villages and reclaiming lands for cultivation. Such enterprising cultivators were shown many favours by the state.[3] Providing lands to weaker sections may be noted. Forests were also exploited and managed by the state-agency.[4] Elephant forests were a monopoly of the state, and the state provided forests for sacrificial wood, and for royal and public sports. The state maintained ranches and cattlefarms,

---

1. II. 12.27.
2. II. 24.3.
3. *Ibid.*

II. 27.

which provided asylum for the lost and abandoned cattle.[1] The state also exercised ownership over fishing, ferrying and trading in vegetables in the reservoirs in the newly settled villages. The state also ran industries. The factory that manufactured weapons of war was directly run and supervised by the government superintendent assisted by trained workmen.[2] The Superintendent of metals carried on manufacture of articles of copper, lead, tin, bronze, brass, and the Superintendent of mint carried on manufacture of coins, while the Superintendent of goldsmiths carried on the manufacture of gold and silver ornaments.[3] The Superintendent of forest-produce was responsible for the manufacture of various kinds of goods like bamboo-products, timber-products, sans, skin products, ivory objects, ropes, medicines, poisons and earthern wares, bark and cane.[4] Dairy-farming appears to have been another state-enterprise.[5] In the government weaving establishment the superintendent employed women labourers of many kinds to get the thread spun, and these were woven into various kinds of cloths for the use of civilian or military population.[6] The Kauṭilīyan state also entered the market as trader. The goods manufactured in royal factories in the kingdom and in foreign lands outside the kingdom were sold by government agency or could be sold by private traders on prices fixed by government.[7] The Superintendent of commerce was to look after the trade of the king's merchandise. The state also exercised monopoly in transport for men and merchandise in royal boats and ships.[8]

The above mentioned examples of direct state enterprises need not lead us to think that the Kauṭilīyan state was a socialist or a collectivist state. As a matter of fact Kauṭilya allowed fairly large field to private enterprise. Large part of cultivated land was under private cultivators. Even mines which required large

---

1. II. 29.
2. II. 18.
3. II. 13, 14.
4. II. 17.
5. II. 29.
6. II. 23.
7. II. 16. 4-8.
8. II. 28.

outlay for exploitation were leased out to private persons on rent or proportionate share.[1] There were certainly many industries which were run by private industrialists. Trade was also largely in private hands. Thus in the Kauṭilīyan state, the state and private enterprise both ran side by side, and we may call the economy mixed-economy. It is quite possible that the state and private business may have competed in the markets, and the state was a gainer in the sense that favourable weights and measures were to be used in the sale and purchase for the king.[2] The State by running ~~factories and~~ farms may have served the example of a responsible employer aware of the duties to the employees.

Besides the indirect checks on the clever manufacturers' and traders' selfish and profiteering instincts, the Kauṭilīyan state laid down various regulations to control free play of competition which could be detrimental to the interests of the common people and the security and revenues of the state. The state interfered in the working of private enterprises with a view to check loss of production, or to increase production and to safeguard the interests of the consumers. In the interest of agricultural production the cultivators who were settled on the newly set up villages were deprived of their lands if they did not grow crops on them, and these were given to other farmers, or traders who were willing to cultivate such lands.[3] As production depended largely on monsoon rains the state was to give utmost attention to irrigation facilities. The government was to construct water reservoirs and to help corporate village efforts in constructing these by grant of land and timber.[4] For such activities by the cultivators or village cooperatives the state granted them remission of taxes for a period of five years, and for renovation of old tanks or for cleaning these, villagers earned remission of taxes for four and three years.[5] Destroyers of tanks were severely punished.[6] Concern of the state for water resources in villages is remarkable. Various concessions such as remission of taxes, grant of loans, grains, and seeds were made to the agriculturists in times of distress.[1] The state made provisions for pasture lands for the grazing of cattle.[2] For good breeding of cattle the state showed concern. Concern for life of animals and birds was also felt and Kauṭilya prohibited unnecessary slaughter of animals or birds in breeding season or if they were unedible.[3] Aśoka only enlarged on this. Animals and birds formed a necessary part of proper ecology.

---

[1] II. 12.20.

[2] II. 19. Kangle thinks that the weight for the palace is in reduced measure (Vol. II. p. 155 note 20).

[3] II. 1.10.

[4] *Ibid.*, 20-23.

[5] II. 9.33.

[6] IV. 11. 17.

The Kauṭilīyan state interfered with the private manufacturers in the sense that the relations between the employers and their employees were regulated by contract and it was enforced by the state. The rate and manner of the payment of wages were fixed and non-payment of wages or part-payment for the full work done punished. In the government weaving-factory the superintendent was responsible for proper payment of the wages for the work done by the workers. To encourage the workers the superintendent was to give psychological incentives to workers, mainly women, in the form of scents or flowers. This shows, indirectly of course, the standard of taste and living of workers. Disputes regarding wages were to be decided on the testimony of witnesses and in their absence by local enquiry by the judge.[4] An employer who engaged any labourer to do a work had to pay for the full, even if he, for no fault of the worker, refused to take work from him.[5] Ths guilds of workmen were also punished if they did not complete the work agreed upon.[6] The labourer was severely punished if he neglected work, committed theft or destroyed the stuff. Thus the state appears to have interfered to protect the workers against the employers, and also helped the employers against guilty labourers.

The Kauṭilīyan state interfered in trade also. The traders had to use only standardised weights and measures which were

---

1. II. 1.13-18.
2. II. 2.1; II. 34.6.
3. II. 26.
4. III. 19.31.
5. III. 14.9.
6. III. 14. 14-16.

duly stamped on payment of stamping fee, and any trader using unstamped weights and measures was fined.[1] For all goods intended for sale a fixed rate of toll varying according to the nature of the merchandise had to be paid and any attempt to defraud the state of its due toll by ingenuous methods or tricks indulged in by the traders was severely dealt with. Genuine goods intended for religious or social ceremonies, or for confinement of women and presents for bride, were exempted from payment.[2] Restrictions in the interests of the state and the citizens were imposed on import trade. Weapons, mail—armour, metals, chariots, precious stones, grains or cattle were not allowed to be imported by private traders. The guiding principle of the import trade was "whatever causes harm such as poison or alcohol or is useless to the country will be shut out; whatever is of immense good like seeds and medicines not easily available shall be let in free of toll."[3] Thus the good of the country was uppermost and the private traders were not encouraged to import such goods which would injure local producers and manufacturers and upset the economy of the state and jeopardise the security of the nation by import of weapons and metals or precious stones. It appears that trade in, rather import of, such vital articles if and when necessary, was state responsibility. The Superintendent of commerce was to see that if royal merchandise could not be sold in foreign countries with profit after taking into consideration the cost of production, transport charges, coverage for risk and other miscellaneous expenses then exchange of goods-barter-was to be preferred so that the state could get what it had not for what it could afford to give in return.[4] The state thus appears to have a firm grip on foreign trade. Sufficient encouragement was given to traders doing foreign trade or to foreign traders.[5] Megasthenes refers to foreigners living in Pāṭaliputra, and to the states' concern for their security and property. Many of these foreigners must have been there for trade. Kauṭilya also allows special privileges to foreign traders against whom no law suits in

---

1. II. 19. 40-42.
2. II. 21; II. 22.
3. II. 21.31.
4. II. 16. 18-20,
5. II. 16. 11-13.

money matters could be entertained.[1] The policy of Kauṭilya regarding foreign trade appears to anticipate Beveridge according to whom "proper volume of foreign trade is a national rather than interests of any particular industry. It must be regarded as one of the responsibilities of the state. The government was to give sufficient inducement to private traders to export or to have itself a hand in export business." The Kauṭilīyan state also fixed price of royal commodities meant for sale by private retailers and any enhancement of price beyond it was punished.[2] The rate of profits was fixed which included royal share as well. Marketing hours were fixed. Traders were not to purchase goods in the factories or fields but only at the proper earmarked places to prevent loss to the state is realising market fees and also to protect the poor agriculturists from crafty traders. When a trader sells or mortgages inferior as superior commodities, articles of some other locality as articles of a particular locality, adulterated things and deceitful mixtures or when he dexterously substitutes other articles for those just sold he shall be punished 54 paṇas and be made to compensate the loss.[3] Here we have an inkling of well known fraudulent practices indulged in by traders in any controlled economy as today. Merchants who conspire to sell or hold back merchandise were fined 1000 *paṇas*. Thus consumers were protected against concerted hoarding or cornering of goods by merchants and against artisans conspiring to lower the quality of goods with a view to obtain large profits.[4]

There is no doubt that these restrictions must have been irksome to traders and merchants and they were in look out for opportunities of evasion which is clear from the detailed regulations by the state to punish the clever traders. There appears to have been some sort of hide and seek between the traders and the government, (not unknown today), and the dangers of corruption in the anti-smuggling staff, the toll-collectors and the market officers must have been there. But the Kauṭilīyan state, though aware of danger, enforced these restrictions on trade and commerce

---

1. II. 16.13.
2. II. 16. 4-8.
3. IV. 2. 15-16.
4. *Ibid*, 18-19.

in the interests of the state and the citizens. The state gained considerable revenue from trade. But the interests of the consumers were uppermost. Even royal merchandise of local manufacture or imported products were to be sold to the people favourably, and even big profits which would harm the people were to be avoided.[1] Merchants selling merchandise were not to charge such large profits which would harm the people. Sale of merchandise was centralised or distributed on the basis of supply and demand of the goods or on their importance. Things which were in constant demand were sold without restrictions of time or place.

Such restrictions in time or locality, for sale of goods in constant demand, which would cause glut in the market on one hand and scarcity at other places on the other, was to be avoided.[2] But the Kauṭilīyan state was not only interested in putting restrictions in the way of traders but also encouraged trade in many ways. The prices were fixed not arbitrarily to the utter disregard of the traders, but were fixed after considering the capital invested, the cost of manufacture, the quantity manufactured, the amount of toll, the interest on outlay, transport and other accessory charges, and also the fact whether the merchandise was a local product or imported from a foreign country.[3] The reasonable rate of profit on the foreign merchandise was also fixed. In the interests of the traders the share of middlemen was fixed, and any attempt by them to defraud the merchants was punished. The state also took active measures to help in the progress of trade. It set up market towns.[4] It established trade routes (land and water) which were to be profitable.[5] Kauṭilya refers to various kinds of roads fit for traffic—car-traffic—for carrying merchandise.[6] The state constructed roadways, not only and became the highways in the capital and other cities, but in villages and in district and sub-divisional headquarters, and developed river-ways, responsible for guarding them.[7] The Superintendent of commerce was to show concessions to the traders and remove restrictions on traffic.[1] Persons who put restrictions on roads and thus reduce their size were fined.[2] One of the duties of the Superintendent of passes was to assure safety of transit to merchandise.[3] The Superintendent of pasture land, failing him, the *corarajjuka* had to make good the loss of the merchandise lost in transit between two villages.[4] If the trader announced his merchandise in the village where he stayed for the night and if some of it was lost then the headman of the village (*grāmasvāmi*) had to make good the loss.[5] The state also favoured merchants by protecting the trade-routes from molestation by workmen, robbers, and government servants like the watchmen, boundary guards, and the courtiers;[6] it is a common experience today that the trade needs protection from government servants and their favourites who take undue advantage of their position and influence. Thus the state was vitally interested in the promotion of trade on which depended the prosperity of the kingdom and the employment and comforts of the citizens.

---

[1] II. 16. 5-6.

[2] *Ibid.* 6.

[3] IV. 2.36.

[4] II. 1.19.

[5] VII. 12. 18-20.

[6] II. 4. 1-6. *Rathapathaḥ*.

[7] II. 1. 19, 38.

A welfare state has to assure its citizens a living or maintenance. It means that the state has to organise some schemes of social insurance besides providing avenues of employment to as large a body of population as possible. The success of the welfare state depends on the test as to how it has dealt with the unfortunate and the weakest sections of its citizens. The Kauṭilīyan state was aware of this responsibility towards the helpless citizens. In ancient Hindu society the joint family system was strongly entrenched and it was the best insurance for the helpless and afflicted members of the society; Kauṭilya accepted this system and enforced the law according to which the head of the family was to look after the dependents. A capable person neglecting to maintain his or her child, minor brothers or sisters, widowed girls and unmarried daughters (except those who were outcasts) was fined.[7] Similarly any person embracing asceticism without making provisions for his

---

1. II. 16. 24-25.
2. III. 10.6.
3. II. 34.12.
4. IV. 13. 8-10.
5. *Ibid.*, 7.
6. II. 1.38.
7 II. 1. 28.

wife and sons was punished.[1] In those days under the influence of protestant religions like Buddhism etc. many householders were joining ascetic orders without caring for the fate of their dependents. So the individual's responsibility to his family in such a situation was enforced by the Kauṭilīyan state. He strongly disapproved asceticism by capable persons particularly women. But the Kauṭilīyan state was not satisfied with this corrective measure only. It took the heavy responsibility to maintain the orphans, the aged, the infirm, the afflicted, and the helpless. The state also provided sustenance to helpless women when they were carrying, and also to the children they gave birth to.[2] A more comprehensive scheme of social insurance is not easily to be met with.[3] But the state was aware of the fact that assurance of doles alone is not desirable. As Beveridge points out "Idleness even on income corrupts, the feeling of not being wanted demoralises." Kauṭilya tried to offer employment, part time or full time, to such unfortunate persons. Therefore Kauṭilya recommended that the Superintendent of weaving should employ such women as widows, retired *devadāsis*, crippled girls, mendicant women, mothers of prostitutes and old women-servants of the king, on wages, for cutting of wool, fibre, cotton, flax and hemp. Even women of good family whose husbands were away and who had no source of maintenance but were willing to earn their living honourably were to be given work through the women-attendants of the factory; and the officers of the establishment had to show respect to these women, and any attempt by them to show them favour or frown unduly was punished.[4]

No state interested in the welfare of the people can afford to neglect the health of the citizen on which depend the prosperity, security and the stability of the state. Much care was therefore devoted to sanitation and hygiene of the city and the countryside. The villages and the cities were to be built according to plan. Every house was to have a dunghill and an outlet for refuse water.[5]

---

1. *Ibid.*, 29.
2. *Ibid.*, 26.
3. The view that the state took this liability for the state established new villages only, is unwarranted. It is to be recalled that Kauṭilya's ban on capable householders taking to asceticism without providing adequately for their dependents, the number of helples persons to be maintained by the state would not be necessarily large.
4. II. 23.2, 11-14.
5. III. 8.6.

Market quarters and quarters for the different professional classes were demarcated in the city. Throwing of refuse or dirt on the roads was an offence.[1] Throwing of carcass of animal or man on roads was a grave offence. Special routes were prescribed for carrying away a dead body. Regular scavanging was provided.[2] To safeguard the health of the citizens it was provided that "adulteration of grains, oils, alkalis, salt, medicines, and scents was to be punished with a fine of 12 *paṇas*."[3] The physicians were there in the city and countryside to control spread of diseases and to treat patients. They were to report about any patient suffering from serious sores, and doctors were punished if because of their neglect patient suffered death or any loss of a limb due to defective surgical operation.[4]

The Kauṭilīyan state also took effective and energetic measures to relieve the distress of the people during national calamities. During famines grains from royal stores were distributed, remission of taxes was made, seeds and provisions were given, public works like road construction, fort repair or other constructions were started for the unemployed; rich were to be heavily taxed, and help from foreign countries was also sought, if necessary.[5] To help flood-stricken people the state provided boats, provisions and alternative shelter. To fight fire menace adequate measures were taken in the countryside and cities.[6] The master of the house had to keep ready tubs full of water, ladder, leather bags, winnowers, hooks; but besides individual house-owners the government saw that at places near cross-roads thousands of pitchers filled with water were kept always ready to fight any outbreak of fire. Thus something like modern fire-brigades were available at short calls. The state also protected the people against pestilences, rats, snakes or demons. Both scientific and superstitious measures were recommended to fight these calamities.[7]

---

1. II, 36. 26-27.
2. *Ibid.*, 30.
3. *Ibid.*, IV. 2. 22.
4. II. 36.10; IV. 1.56.
5. IV. 3.17; V. 2.35.
6. IV. 3. 3-4; II. 36.14-15.
7 IV. 3.

Deeply interested in the welfare of the citizens the Kauṭilīyan state took measures to protect the common people against the anti-social practices of the professional classes. We have already referred to the checks on unscrupulous activities of the traders. Similar punitive actions were taken for breach of contract or playing fraud on customers against washermen, artisans, scavangers, physicians and musicians and other entertainers.[1] But on the other hand, their conditions of services were also fixed, their rates of remuneration settled in common interest but any attempt by them to defraud or put the customers to loss was punished with fines. In the interest of production and for the sake of the people concerned any action by artisans or actors to cause loss of production and to demand higher remuneration injurious to the people was punished.[2] According to Kauṭilya "traders, artisans, musicians, beggars, buffoons, and other idlers who are thieves in effect if not in name shall be restrained from oppression on the country-people."[2] It was with this view of protecting the simple village folk that Kauṭilya provided that no ascetic other than a *vānaprastha*, no company other than of local birth, and no guild of any kind other than local cooperative guild will find entrance in the village; nor shall there will be in the village buildings intended for plays or sports, nor in view of procuring money, free labour, commodities, grains and liquids in plenty, shall actors, dancers, singers, drummers, buffoons, and bards make any disturbance to the work of the villagers, for helpless villagers are dependent upon their fields.[3] Indirectly these provisions highlight the state's deepest concern for production in the villages even at the cost of depriving mirth, a frolics and entertainments available in the cities.

The Kauṭilīyan state was interested not only in the welfare of the people but also in their moral welfare. The concentration of the manufacture of liquor, drugs and poisons in state manufactories was also designed to reduce chances of moral degeneration of the people. The regulations of gambling and prostitutes, besides revenue yielding, also must have contributed to some restraint on moral laxity.

---

1. IV. 1.
2. IV. 1. 65.
3. II. 1. 32-35.

The programme of action which the Kauṭilīyan state was expected to execute necessarily demanded that it should have with it an authoritative record of the total resources of the state. This is the advantage of periodical census for modern welfare states. In the Kauṭilīyan state instead of periodical census there appears to have been a standing census machinery. The *gopa* and *sthānika* stationed in the different quarters of the cities and also villages were required to prepare a complete record of the inhabitants, their age, sex, or occupation, and also to record the number of houses, cattle and other animals, irrigation facilities, number of cultivated or uncultivated plots, and the number of temples and other charitable institutions like free kitchens, besides recording the number and condition of roads and pasture grounds. The numerical strength of the members of various professions was also to be noted. Special spies were employed to check on the reports of the *gopa* or *sthānika*. This was necessary not only because the state could assess its revenues on the basis of this record but also it served the basis of governmental action in the economic and social fields. This enabled the state to have a grip on the prevalent condition of the country, which is necessary for any welfare state to execute its comprehensive programme of people's welfare.[1]

It is obvious that to take so large a share in the social and economic life of the people the state depended on a large bureaucracy. The success of the policy was to a great extent dependent on the efficiency and the loyalty of the civil service to the state and its ideal. Therefore Kauṭilya provided for exacting tests for the recruitment and or placement of government servants into various grades and departments.[2] The services were well paid, and were given favourable concessions in the event of premature death or accident. Then, the highest of the civil servants were under strict observation of royal spies, and any dereliction of duty or attempt at defrauding the state was severely punished.

Assisted by such a well-organised and qualified staff the state could undertake the execution of the policy of directly interfering in and guiding or directing the activities of the people. But a

---

1. II. 35. 1-2; II. 36. 1-4.
2. I. 9; I. 10.

welfare state runs the risk of being dubbed totalitarian, leaving no freedom of action to its citizens. Its long-armed bureaucracy touching every aspect of citizens' life according to some scholars left so little to the initiative of the citizens that they were practically atrophied. But a careful study of Kauṭiliya's Arthasāstra would show that this is not a correct appraisal of the situation. Kauṭilya encouraged cooperation of individual citizens with the state in apprehending criminals and enforcing the regulations of the state. Merchants were requested to inform the authorities against merchants who sold merchandise at forbidden places or possessed prohibited merchandise. Masters of houses were to report to the Nāgaraka about the coming of strangers. A physician was to report about a patient who was suffering from some serious and suspicious wounds. Even a common citizen was expected to help in detecting and apprehending any person on the road walking in suspicious manner or carrying unauthorised weapons.[1] Thus the individual was not to be atrophied but rather to be active and responsive.

The Kauṭilīyan state, no doubt, appears to have regulated the life of the citizens practically fully, yet it left much to be done by people voluntarily and by corporate efforts; rather it encouraged such corporate activities for constructive purposes in many ways. The state helped the villagers who cooperated in construction of reservoirs and punished those who non-co-operated.[2] The villagers by co-operative effort built and managed *ārāmas*, *sattras*, *prāpa*, and assembly halls for dancing, amusements or dinners. We have already seen that the state showed favours like remission of revenues for a period of three years to five years for those villagers who co-operated voluntarily in the repair or construction of tanks or lakes. Costly waterworks of mechanical contrivances dug by people themselves entitled the village concerned exemption from state dues till it earned double the expenditure as profit. Those who, with their united efforts constructed by the side of roads buildings of any kind beneficial to the whole country such as dykes, bridges on roads or

---

1. II. 36.39.
2. II. 1. 21-22; III. 8. 26.

parks and who had not only adorned their own village but also kept watch on them, were shown concessions by the king.[1] On the other hand, those who refused aid in such constructive corporate efforts were fined to the proportion of the aid due from them. Any one breaking the dam of a lake or reservoir was to be thrown into it. Some villages appears to have owned some land collectively.[2] Disputes between the villages were to be settled by elders of 5 or 10 villages. The village appears to have engaged outsiders as labourers, if necessary, to get its land cultivated on a contract basis and if the outsiders broke the contract the fines were levied and collected by the village community. We have already seen that the village was made responsible for the loss of any merchandise declared by the merchant during his stay in the village on the way. Corporate care for the defence of the village appears to have been recommended. The village elders were made responsible to look after the property of bereaved minors, and that of the gods and were expected to improve the assets.[3] The village community was entitled to arrange public shows like theatrical performances by co-operative efforts and any one refusing to co-operate was denied the pleasure of listening to or hearing the show.[4] The community life was further enriched by the employment of artists and other entertainment-givers, like musicians, actors, dancers, reciters, gardeners, perfumers, hair-dressers, mimic-men, painters, etc., in the cities and the villages. Probably the state paid salary to these persons.[5] Religious persons and learned men were granted tax-free lands in government set-up villages.[6] The state also granted stipends of honour to such teachers of music and learned men whose services were available to the public.[7] All these measures certainly go to show that the citizens of the Kauṭilīyan state were free in many ways to enrich their life and to improve their lot. They were not forced to lead a dull and drab life without relaxation. The state itself came forward to help in the creation of a richly varied cultural and economic life, and it allowed and encouraged all such corporate activities which would contribute to the full development of the personality of the citizens.

---

[1] III. 10. 46.
[2] III. 9. 15-16.
[3] II. 1.27.
[4] III. 10. 37-38.
[5] V. 3. 15, 16, 47.
[6] II. 1.7.
[7] V. 3.18.

As a matter of fact there can hardly be any conflict between the citizen and his welfare state which depends for the successful execution of its policy on the active and responsive co-operation of the citizens. Much more so, in the state of ancient India where conflicting claims of mutual rights against one another were not the basis of relationship between the state and the citizen. Responsibilities to others (*Dharma*) rather than rights against others (*ādhikāra*) were to be the basis of relationship. Every section of the people including the sovereign was told of his duties which were part of the all comprehensive Dharma binding on all. This recognition of one's duties towards others was the best guarantee of the rights of the citizens. As Beveridge points out "All liberties carry their responsibilities." The ancient Indian state was to enforce this wholesome feature on Indian life, and to contribute in an abundant measure towards the all-round progress of the state and the citizens.

Such a large and comprehensive programme of action necessitated huge expenditure by the state, which could be largely met by taxation alone. The Kauṭilīyan state obtained money from its land, factories and trade. Then there were various kinds of taxes levied on private cultivators. Then there were toll duties on merchandise for sale. There were water-tax and other kinds of taxes including forced labour in productive works. The state gained considerable money from judicial fines. In times of emergency the rich were forced to disgorge their gains, and even unscrupulous measures were recommended to replenish the treasury.[1] Kauṭilya gave great importance to full treasury by which the king could equip his army and keep his kingdom secure. But even in raising taxes the tax-collectors were not to be blood-suckers but to follow the general canons of public finance such as of economy, right time of collection and the capacity of the people to pay. "Just as fruits are gathered from garden as often as they become ripe so revenue shall be collected as often as it becomes ripe.

---

1. V. 2.

Collection of revenue or fruits when unripe shall never be carried on lest their source may be injured causing immense trouble."[1] Even in emergencies the state instead of taxing the poor had to show them real favours, and it depended on somewhat progressive taxation on the richer sections of the population for raising additional finances. Officers who practised economy were rewarded and those who caused loss to revenue were punished. Heads of departments had to scrutinise the income and expenditure of their respective departments.[2]

Thus it is clear that for Kauṭilya, even if wealth was very important, it was not an end but a means to an end, which was to secure the welfare and happiness of the people. And all the regulations of the state and the revenue-raising measures were to be justified on the crucible of people's happiness. The interests of the people and the interests of the state were to be the same. The sovereign had no interest of his own but had to merge his interests with those of his people. "In the happiness of his subjects lies his happiness, in their welfare his welfare. Whatever pleases himself he shall not consider as his good, but whatever pleases his subjects he shall consider as good."[3]

In no clearer and apter words can the ideal and nature of a welfare state be stated even today. It was considered to be religious duty of the king to work for the welfare and happiness of subjects. King was made responsible for the sins and misfortunes of his subjects and this appears to have provided the moral justification for the minute regulations enforced by the sovereign to direct the life of the citizens. His concern for the welfare of the subjects was to be as dear and dutiful as that of a father towards his childern.[4] Kauṭilya held that a king performing his duties of kingship properly need not worry for any other religious sacrifice. "Of a king, the religious vow is his readiness to action, satisfactory discharge of adiministrative duties is his performance of sacrifice; impartiality to all is the offer of fees and consecration is sacrificial

---

1. V. 2.70.
2. II. 1. 19-20.
3. I. 19. 34.
4. II. 1.18
5. I. 19.33.

initiation."[5] The king bore special responsibility towards the gods (temples and sacrifices), of heretical sects, of Brāhamaṇas learned in the Vedas, of cattle, of sacred places, of minors, the aged, the afflicted and the helpless, and of women in order of enumeration or according to urgency.[1] So the Kauṭilīyan state did not subordinate the individual to the will of the state but rather was an example of a state living for the good of the individual.

The Kauṭilīyan state was thus actively engaged in the promotion of the welfare and happiness (*Yogakshema*) of the citizens. Its concern for the needy and weaker sections of the population is really worthy of emulation by the best welfare states. There is no doubt that in a state where there were flourishing state industries, where there were private industrialists, and where traders were shown much royal favours, where there were various kinds of industries, where there was state control of trade and industry in the interests of the consumers, where the state spent a lot on the poor and helpless, where there was an expanding bureaucracy, there must have been a very favourable state of employment. Practically all the measures recommended by modern to realise the ideal of full employment in a free society (of course only those which could be reasonably suggested in so ancient a time) are to be found in the Arthaśāstra. This is really amazing. The Kauṭilīyan state like the welfare state of modern conception left a degree of liberty in economic field but the extent of it depended on the responsibility and public spirit with which these liberties were exercised. The local authorities like guilds or co-operatives or village elders were allowed a degree of freedom and initiative but they were to act within the framework set up by the central authority. Both the state and the citizens were to be actuated by the common ideal of the good of the state and the citizens. Horewer it has to be conceded that the Kauṭilīyan state was not a democratic state in which the people directly promote what they consider to be their welfare. The state of Kauṭilya's conception may best be termed the ideal Benevolent State.

---

[1] I. 19.29.

2

THE KING

THE Kauṭilīyan state played a dynamic role in the life of the country and its citizens. According to Kauṭilya the success or failure of the policy, rather its mission, depended on the character and ability of the king. Though it is true that Kauṭilya was aware of the non-monarchical constitutions,[1] he assumed monarchy as the obvious and most desirable constitution for bearing the onerous responsibilities of government. Kauṭilya says that 'he had composed this *Arthaśāstra* for the use of the king.'[2] This categorical statement while makes it plain that the theory and practice of public administration described by Kauṭilya was for a monarchical state, it also demonstrates that in Kauṭilya's scheme the king was the lever of the administration, and had necessarily to play a positive and directive role in the government.

It is, therefore, quite understandable that the king heads the list of the seven essential constituent elements of state.[3] The prime importance of the king in the body politic is clearly explained later in the chapter entitled "The Aggregate of the calamities of the elements of Sovereignty."[4]

Comparing the gravity of the calamities befalling the king or the minister, Kauṭilya rejects the view of Bhāradvāja and holds that the king in distress is more dangerous than the minister in distress for the body politic, and concludes the discussion with the statement, 'for their progress or downfall, the other elements, (*Prakṛtis*) depend upon the king. The king, as it were, was the

---

1. XI. 1.1.
2. II. 10.63.
3. VI. 1.1.
4. VIII. 1.5-15.

aggregate of the *prakṛtis*."[1] The king is so much above the head and shoulder of all other elements of state that Kauṭilya observes that in brief, the king and his rule constitute the State.[2] Louis XIV's boast that "I am the state", cannot be far from it. For all practical purposes the king according to Kauṭilya not only heads the seven *prakṛtis* of the state, not only the strength and weakness of the rest depend on the character and ability of the king but also his supreme importance in the state has to be realised. This is quite in keeping with the conception of a state as an organism. The nature and movement of the organs of the body depend on the state of the directing head. A diseased brain will cause the disintegration of the entire personality, however, physically normal the other limbs may appear to be. Kauṭilya, at one place, uses the phrase (*prtyaṅgābhūtaḥ*)[3] to the seven elements indicating, we think in however rudimentary a form, "the conception of the organic unity of factors of government."[4]

It is natural, therefore, for Kauṭilya to examine vices (*vyasanas*) which may affect adversely the health of the head, *i.e.*, the king. The five vices which lead to deprivation of happiness are: (i) a course of action opposed to the six-fold policy for the conduct of international relations, (ii) absence of one or many of the seven elements of sovereignty, (iii) disaffection of local or foreign people or both, (iv) addictions to women, to gambling and other vices, and (v) distress due to fires, floods and other eight kinds of calamities. In Kauṭilya's analysis 'Calamities' result either from divine wrath (natural calamities) or human agencies (foreign invasion or internal rebellion) or from defects in character like addiction to bad habits or indisciplined mind or from ill-luck or wrong policy.[5] As the king in substance is the state including all the other elements,[6] it is his duty to ward off these calamities. Kauṭilya has suggested elaborate measures and proper course of action to meet the challenge of external and internal enemies; but in his opinion, the internal enemies are more dangerous than

1. VII. 1. 16-18.
2. VIII. 2.1. *Rājā rājyamiṭi prakṛtisamkshepaḥ.*
3. VI. 1.15.
4. U.N. Ghoshal, *Hindu Political Theories*, p. 131.
5. VIII. 1.2-3.
6. VIII. 2.1.

external ones.[1] He has suggested remedies against natural calamities.[2] But Kauṭilya has rightly laid emphasis on the proper training and education of the prince to enable him to discharge the onerous responsibilities of the highest office, because according to him the king causes his own end and that of the kingdom if he is swayed by any or more of the six-fold vices. Examples are given of kings who suffered because of lack of control over their senses, and also of kings like Ambarīsha and Nābhāga who long enjoyed the earth due to keeping their senses in control.[3] The king is, therefore, to abandon lust, anger, greed, vanity (*māna*), haughtiness (*mada*), and overjoy, and thus gain control over his senses. With this end in view the would-be king when a prince had to develop the faculties of obedience, hearing, grasping, retentive memory, discrimination, inference, and deliberation.[4] This proper training of the mind would be facilitated by his keeping constant company of the aged, wise men and professors in whom alone discipline has its firm root.[5] The prince studied the Vedas, the science of *ānvikshakī* under teachers of acknowledged authority, the science of *Vārtā* (agriculture, trade, and cattle-breeding) under government superintendents, and the science of *daṇḍanīti* (science of public administration) under professors of politics and practical politicians. The prince studied military science and humanities including history and traditions, Dharmaśāstras and Arthaśāstra. This emphasis on good character and education was in self-interest of the king. Amongst the conditions which cause easy destruction of the king by his enemy are greediness, ever doing unrighteous acts, loose character, addiction to mean pleasures and devoid of enthusiasm.[6] Further Kauṭilya[7] declares that a king of unrighteous and of vicious habits, though he became emperor, up to the four ends of the earth, will soon perish.

Such a properly disciplined and educated prince when raised to the throne and devoted to the good government and welfare of

---

1. *Ibid.*, 2-3.
2. IV, 3.
3. 1.6, 5-12.
4. I. 5.7-8.
5. *Ibid.*, 11.
6. VI. 1.13.
7. *Ibid.*, 17.

5285

the entire people would be able to rule the earth unopposed.[1] It is, therefore, not easily understandable how after laying so much emphasis on the importance of the office of the king and after prescribing a rigorous course of discipline and intensive education, Kauṭilya would make the king 'a mere constitutional ruler.'[2] The time-table which Kauṭilya prescribed for the king is also an index pointing to just the reverse situation, and it suggests that the king was not merely formally responsible but was very actively engaged in directing and supervising the affairs of the kingdom. The king daily looked into the income and expenditure of the kingdom and heard the spies. He received ambassadors, attended to the appointments of superintendents, discussed military affairs with the commander-in-chief, and looked into the affairs of the citizens. During the late hours of the night he considered active measures and sent out spies.[3] The king was to be ever wakeful, and an inactive king would cause destruction of the present acquisitions and the acquisitions to come.[4]

The king, according to Kauṭilya, was the mainspring of government and was responsible for the administration. As Sinha puts it, 'he supplied the motor-power to the whole system.'[5] King's functions may be divided under three main heads: (a) executive and military, (b) judicial and (c) legislative (?). Appointment of the ministers and other civil and military personnel, consultation with the *mantriparishad*, institution of spies and listening to their reports and giving particular attention to the business of gods, of heretics, of Brahamins learned in the Vedas, of cattle, of sacred places, of minors, of the aged, the afflicted, and the helpless, and of the women, may be taken as illustrations of executive functions.[6] Army and treasury were to be the special charge of the king. "Hence the king should keep under his own control the powers of finance and army."[7] He looked into the revenue and the expen-

---

1. I. 5.17.
2. V.R.R. Dikshitar, *Mauryan Polity*, p. 90; K.P. Jayasval, *Hindu Polity*, pt. II, p. 185.
3. I. 19.
4. *Ibid.*, 36.
5. H.N. Sinha—*Sovereignty in Ancient India*, p. 151.
6. I. 19.
7. VII. 2.

diture of the kingdom and with a view to increase revenue of the state he took active part in trade, agriculture and industries. Conduct of foreign policy and planning of military moves were his functions. Among the judicial functions, organisation of *Kaṇṭa-kaśodhana* courts under the *pradeshṭāras* may be noted. He personally decided cases as the highest court of appeal without unnecessary delay.[1]

About his legislative functions there appears to be much uncertainty. In ancient India there was not what may be properly called legislature in the modern sense. According to the *Smṛtis* and the *Mahābhārata* law and law of punishment were divine creations like the king, and existed independently of the latter, who has the duty to respect and enforce them. According to ancient Hindu legal Texts the main sources of law were the *Śruti*, *Smṛti*, *Nyāya* and *Sadācāra*. King does not appear as the source of law in the Dharmaśāstra except perhaps in the *Nārada Smṛti*. In Ancient Indian society, as in all ancient societies, custom was the principle source of law. Some of these were coming from past, and were regarded as divinely revealed, and so binding. That was the idea behind ranking the Vedas at the head as the overriding source of law. In course of time some of the traditions as widely accepted customs were codified by the learned and these formed the basis of the Dharmasūtras, Smṛtis and Dharmaśāstras. But the society is dynamic and law should correspond to the changing conditions, and so conduct of wise and learned men, and their widely accepted mode of life, even when not referred to in the law books, gained the force and sanctity of law, and became known as *Sadācāra*. In course of time different interpretations or injunctions of the Smṛtis arose partly because of changes in society and the desire to justify the new customs under the authority of old Smṛtis. So commentaries on the Smṛti text, *mīmāṅsā* were written and became an additional source of law. In view of various provisions, sometimes conflicting, about particular matter in different law books and because of diverse opinions of learned and respected authorities, on the same subject it might have become difficult to decide what is right or wrong. Then in exigencies of such situations, the test of logic or sense of justice (equity) may prevail over the letter of the law. In such circumstances the ancient law-givers allowed equity (*nyāya*) logic or reasoning to prevail,[1] and in this way it became a source of law-judge-made laws, under the formal authority of the king, as the courts flourished under the aegis of the royal authority with the extension of king's peace. Even in the Buddhist period, there is a reference to '*Paveṇi-Pustaka*', the book which was to be consulted by the judges in deciding cases. Thus there is no reference to the king as the source of law; he may be '*Dharmapravartaka*' but not the law-giver. Dharma here may mean the moral and social order or laws established by sages.

---

[1] I, 19.30.

But, what about Kauṭilya? Does he conceive of the king as a source of law? According to some scholars[2] Kauṭilya, who appears to be a champion of monarchical centralisation, while makes the king not only a source of law, but interprets the edicts of the king as overriding even Dharma or sacred law. The reliance is placed on the verse "sacred law (*Dharma*), evidence (*Vyavahāra*) history (*Caritra*) and edicts of the king (*Rājaśāsana*) are the four legs of law. Of these four in order, the latter is superior to the one previously named."[3] The interpretation, that of the four sources of law, the edicts of the king (*Rājasāsana*) supersedes all the rest, is not universally accepted. Ghosal[4] strongly contests the view of K.A.N. Shastri. It is to be noted that the verse occurs towards the end of the chapter entitled "Determination of Forms of Agreement, Determination of legal disputes". And the verse does not refer to the sources of laws[5] but to the four ways in which legal disputes may be settled. *Nirṇaya* or decision is one of the four and the last stage in the trial of a suit according to Bṛhaspati, the other three being the plaint, the reply and the proof. But according to Nārada, *Vyavahāra* is *chatushpāda, i.e.*, having four feet, *Dharma*, *Vyavahāra*, *Caritra* and *Rājaśāsana*.[1] Kane informs us that *Vivāda* is often used as a synonym for *Vyavahāra*. In this sense '*vivādārthascatushpādaḥ*' of Kauṭilya means the four ways of arriving at a decision on legal disputes, and not the four sources of law. Here he is referring to individual suits rather than sources of positive law. And that this interpretation seems more plausible can be inferred from the next verse which reads "in truth lies *Dharma*, in witness *Vyayahāra*, in tradition of the people lie *Caritra* and in the order of the king, *Śāsana*."[2] Here 'dharma' may be identified with the truth. Dharma has been used by Kauṭilya in more than one sense.[3] The interpretation that may be put on the verse is that a legal dispute may end by the parties speaking the truth, but when witnesses are available to depose for or against the matter in dispute then in the opinion of Kauṭilya trial should continue and decision should be taken on the basis of depositions of witnesses. In some cases tradition of the people should be given much weight, and should supersede *Vyavahāra* (reliance on witnesses). Kauṭilya in another place expects the king to respect the traditions and customs of different peoples, localities, professions, and corporations, and the accountant has to register the customary laws of the different groups.[4] Therefore, it is quite reasonable for Kauṭilya to provide that a legal dispute may be decided by a method set by usage. In certain cases in the interest of justice the king may order a particular decision which is to be obeyed and to take precedence over the other ways mentioned before. In this connection one should take note of what Bṛhaspati says. His explanation of four modes of decision-namely these, according to *Dharma*, *Vyavahāra*. *Caritra*, and *Rājanyāya*. (*Rājaśāsana*) is two-fold and

---

[1] A.S. Altekar— *Sources of Hindu Dharmā*, Introduction.

[2] K. A.N. Shastri *Age of the Nandas and the Mauryas*, p. 174. Age of the Imperial Unity p. 336, R.C. Majumdar and late Dr. Beni Prasad interpret thisverse quoted below as making the king "the highest authority for promulgating law".

[3] III, 1.39.

[4] IHQ, XXVIII: p, 307 ft.

[5] PV. Kane, *History of Dharmaśāstras*, III, p. 259-60. Again Ghoshal has shown that Nārada's four feet of law meaning judicial proceeding is to be compared to Kauṭilya's four feet of law. He interprets the fourfeet of law as the modes of decision and the verse as a whole making King's voice as the final authority in Judicial trials, *Age of Imperial Unity*, pp. 348-349.

---

1. *History of Dharmaśāstras*, III, p. 246.
2. III, I.40.
3. J.B.R.S. XXXVIII, p. 306.
4. II. 7. 2. In the office of Accountants the history of customs, professions and transactions of countries, villages, families and Corporations were kept. Even the rate of toll was fixed in accordance with the customs of countries or communities II, 22.15.

different from one another and from Nārada. But Kauṭilya is clear that the decision by the order of the king is the final say in legal decision, but the judgement by the king's edict takes place only when the evidence is equally balanced and again when the law books and *sabhyas* are not at variance.[1]

So *Rājaśāsana* is here not the source of law but order of the king regarding the decision of the pending suit. Such decisions may have become precedents for the future, and in this sense *Rājaśāsana* may be taken to be an indirect source of law in a derivative sense not as a substantive source of law. Kauṭilya mentions the sources of positive law in the following verse. "The king who administers justice in accordance with *Dharma*, *Vyavahāra*, *Saṁsthā* and *Nyāya* will be able to conquer the world bounded by the four quarters. Whenever there is disagreement between *Saṁsthā* and *Dharma* or between *Vyavahāra* and *Dharma*, then the matter shall be settled in accordance with *Dharma*. But whenever *Dharma* is in conflict with *Nyāya* then *Nyāya* shall be held authoritative for there the original text loses its force.[2] This shows that while sacred law is superior to usage and tradition if in conflict with these, it has to give way to equity or reasoning (as understood by the judges). This is rightly regarded as revolutionary.[3] As Dharma comprehends civil and criminal law and social conduct, "Kauṭilya (here) stands for truth and justice against evidence, the text of the Dharmaśāstras, and institutional history and practices."[4] So here sacred law as the source of law has been given due importance and respect, and this is understandable when we find Kauṭilya saying that it is the duty of the king to maintain Dharma and punish justly the violators of Dharma. Dharma was largely constituted of the law of the four castes and orders, and customary law and it is by virtue of his power to uphold these and to guard against the violation of Dharma that the

---

1. *Age of Imperial Unity*, pp. 354-355.
2. III. 1. 43-45 Shamashastry has translated *nyāya* as edicts of the king but a more consistent meaning is equity, reasoning or logic. His translation "For the original text (on which the sacred law has been based) is not available" is also to be noted.
3. Age of Imperial Unity, p. 330.
4. J. B. R.S. XXXVIII, p. 310.

king is *Dharmapravartaka*, *i.e.*, who enforces the law (the fountain-head of justice).[1] At another place Kauṭilya clearly lays fundamental emphasis on the necessity of every one following the prescribed rules of conduct in the society respectively. "The observance of one's own duty leads one to *swarga* and infinite bliss. When it is violated the world will come to an end owing to confusion of castes and duties," and it was the duty of the king to see that such violations do not take place and if they take place, guilty are to be adequately punished. "Hence the king shall never allow people to swerve from their duties."[2] It is this use of coercive power (*daṇḍa*) which makes the world happy and progressive. "That sceptre on which the well-being and progress of the science, *ānvikshakī*, the triple Vedas and *vārtā* depend is known as *daṇḍa*."[3] The people consisting of four castes and four orders of religious life when governed by the king with his sceptre will keep to their respective paths, ever devotedly adhering to their respective duties and occupations.[4] So it is the religious duty of the king to maintain Dharma and use *Daṇḍa* impartially and in proportion to the guilt.[5] The foregoing analysis would show that Kauṭilya does not conceive of the king as a prime law-maker or law-giver; the prime duty of the king is to administer the law, and Kauṭilya by establishing the *Dharmasthīya* courts in each *saṅgrahaṇa*, *droṇamukha*, *sthānīya* and at places where districts meet,"[6] and the *Kanṭakaśodhana* courts to deal with measures to suppress disturbances to peace,"[7] provides for centralisation of judicial administration under king's government; and in his judicial system the guilds have no place as courts.[8] The king's power is thus primarily judicial, rather than legislative.

But has the Kauṭilīyan king no law-making power at all? R. K. Mookerji apparently is confused and consequently he

---

1. III, 1, 38.
2. I, 3.16.
3. I. 4.3.
4. *Ibid.* 16
5. III. 1.41.
6. III, 1. 1.
7. IV. 1.1.
8. *Political Institutions & Theories of the Hindus*, p. 47.

indulges in contradictions. He observes: "Thus the king or the temporal sovereign is not the source of law in the Hindu state. The sources of law are above and beyond him. They are not his creations. He has only to see their observance.'"[1] Later he observes elsewhere: "The king was the supreme head of the state and had military, judicial, executive and *legislative* functions."[2] The edicts of the king controlled the market, fixed prices, standardised weights and measures, regulated working in the manufactories, prevented and fought, if necessary, natural calamities by forcing people to conform to regulations and controlled the activities of the artisans, labourers, traders, merchants and even ascetics. The edicts punished and rewarded the government servants and also issued orders for punishment or rewards to others. Such an order for punishment or for reward was called writ of command (*ājñālekha*).[3] The king even controlled religious activities by edicts preventing able-bodied and bread-earning young men and child-bearing women from taking to asceticism, and a royal edict banned the free entry of ascetic orders into villages other than their own.[4] There were 'laws' regulating harbour regulations, working of mines, share of state's royalty, foreign trade and arrest of suspected persons. All these were enforced by a large bureaucracy and a series of 'laws' providing for adequate punishments in form of fines or imprisonment or both for the violation of these edicts, '*Rājaśāsana*'. These laws were mainly 'regulative' and may be differentiated from 'substantive' or positive law; but what is significant to observe is that king's edicts very largely entered into the life of the individuals and the community. The *Kanṭakaśodhana* courts presided by three *pradeshṭāras* or *amātyas* of the king decided cases, arising from the violation of king's 'regulating laws' or *Rājaśāsana*. The examination of the list of subjects in the jurisdiction of these courts would show that some which could lie in the *Dharmasthīya* courts were also brought under the perview of the

---

1. R.K. Mookerji—*Chandragupta Maurya and his Times*, p. 49.
2. *Ibid*; p. 149; He makes *Rājaśāsana*, a source of law,—*Age of Imperial Uniiy*, p. 63.
3. II, 10.40.
4. II, I.30.

Kanṭakaśodhana courts[1] and in this sense the king-made laws were extending their sphere. There is no question of disputes between the sacred law and the king's edicts, because latter were operative within the general rider that the king was to protect the 'law', and it was in the discharge of this sacred duty of protection of the sacred law that the king issued edicts for the protection and welfare of the community. So the king may be taken to possess vast quasi-legislative functions, which in a state devotedly wedded to the ideal of '*yogakhema*' practically meant that its citizens found themselves surrounded by 'king-made laws'. The situation may be practically compared to the problem of delegated legislation in the United Kingdom of Great Britain and Ireland. In modern times the state is expected to exercise social control by means of its laws to conform the law and custom to the changing needs. It is in this sense that the royal edicts may be taken to be a subsidiary source of law in as much as royal edicts would be recognised by law courts.[2]

The all embracing character of the king's edicts prompts Sinha to observe that the hall-mark of the Kauṭilīyan state was comprehensive competence based on centralised control.[3]" Naturally when so much depended on the king, Kauṭilya was not only particular that the king received proper education and training, but he was also equally anxious that such a king was kept safe from conspiracies in the harem[4] or in the kingdom. "Having secured his own personal safety first from his wives and sons, the king can be in a position to maintain the security of his kingdom against immediate enemies as well as foreign kings."[5] Kauṭilya realised the gravity of the troubles to the king by the activities of his ministers, the Royal Prince and the Queen, and suggests measures to overcome these.[6]

Even Princes, who like crabs have a notorious tendency of eating up their begetter,[1] were to be given proper education and guidance and should be prevented from taking to immoral habits, and when the prince turns up to be of a wicked character, then even if he is the only son of the king he was not to be allowed to succeed to the throne.[2] This is another proof, even if indirect, that the Kauṭilīyan king had to play a dynamic and constructive role in the state and hence much depended on the character and ability of the sovereign on the throne and proper training to the heir-apparent. Such a prince was trained in the art of government, in the art of managing affairs profitably, and was entitled to share the responsibility of the government with his father, the king; and if the latter maltreated him, he could even threaten the king—"I am the heir-apparent; it does not become thee to enjoy the state alone when it is enjoyable by both of us, or when others justly desire such enjoyment; I ought not to be kept away by awarding an allowance of double the subsistance and salary."[3] The indispensibility of an able and experienced king for the peace and security of the kingdom is again emphasized in the chap ter where Kauṭilya suggests measures which the minister should take in view of the apprehended death of the king, and the care with which he should announce the successor.[4] Kauṭilya lays down a detailed list of the qualities which the king should possess.[5]

---

[1] Kane, III. 257.

[2] *Public Administration in Ancient India*, p. 137.

[3] *Sovereignty in Ancient India*, p. 147.

[4] I, 20.

[5] I. 17. I. 21. "Just as he attends to the personal safety through the agency of spies, so a wise king shall take care to secure his person from external dangers." I, 21, 29.

[6] VIII. 4.

Among these, high family, possession of virtuous character, receptive mind, disciplined intellect, enthusiasm, determination of purpose, sharp intellect and trained in all arts and sciences may be noted. Naturally so, when so much depended on the king. "A wise king can make even the poor and miserable elements of his sovereignty happy and prosperous; but a wicked king will surely destroy the most prosperous and loyal elements of his kingdom."[6] According to Kauṭilya the defects of the weak king are:—not born of a royal family, possessed of a mean assembly of ministers, with disloyal subjects, ever doing unrighteous acts, of loose character, addicted to mean pleasures, devoid of enthusiasm, trusting to fate, indiscreet in action, powerless, helpless, impotent and ever injurious... Such a king is easily uprooted."[1] That the fate of the kingdom depends upon the king is clearly suggested in these lines: "Hence a king of unrighteous character and of vicious habits will, though he is an emperor, fall a prey either to the fury of his own subjects or to that of his enemies.[2] But a wise king trained in Politics will, though he possesses a small territory, conquer the whole earth with the help of the best fitted elements of his sovereignty and will never be defeated."[3] With a view to ensure stability to the throne. Kauṭilya favours succession by eldest son except in some cases of calamity.[4]

---

[1] I, 17.4-5.

[2] *Ibid.*, 52.

[3] I, 18.12. Kangle translates it to mean that the Prince assured double award to those who helped him against the king. We Know that the Yuvarāja received 48000 *paṇas* as salary, (V.3. 3.)

[4] V. 6.

[5] VI. I. 1-7.

[6] *Ibid.*, 16-18.

In conformity with extensive powers exercised by the king and that of his dominant place in the state and society, he enjoyed many privileges. All the treasure-troves valued 100000 *paṇas* or more belonged to the king.[5] The property left without heir lapsed to the king with some qualifications.[6] Stolen articles whose claimants did not turnup within a specified period became the property of the king.[7] He could not be a witness in a court of law.[8] Game forests were privileges of the king.

The Kauṭilīyan king possessing above mentioned qualities and discharging the onerous responsibilities of his office had all the appearance of an absolute king. The king, who appointed all the highest officers of the kingdom, who was responsible for internal and external policy of the kingdom, whose edicts regulated practically all the spheres of the community's and individual's life, who was the wielder of *daṇḍa*, 'on which the course of the progress of the world depends' could never be a silent or junior partner in the government. Ancient Indian

[1] *Ibid.*, 13-14.
[2] *Ibid.*, no. 17.
[3] VI. I. 17.
[4] I. 17. 52.
[5] IV. 1.52.
[6] III. 5.28.
[7] III. 16. 21-22.
[8] III. 11.29.

thinkers conceived of the state as endowed with a spiritual mission to create conditions in which the citizens may not only obtain material happiness but also heaven, which is the goel of every Hindu. The king was the instrument of the state for the realisation of this ideal; and all the activities of the king enumerated by Kauṭilya were defended on this ground that they were necessary for the safety and security of the state and for the realisation of its spiritual mission. Kingship was to be the instrument for social reform and public welfare.

But the Kauṭilīyan king was not an absolutely free agent in theory and practice. It would be rash to regard him the sole repository of all powers and political functions.[1] Though it is not clear that in ancient days the conception of sovereignty of law was understood theoretically, there is no doubt that ancient Indian thinkers before and after Kauṭilya and including him emphasized again and again that the king was to rule according to Dharma. He was not only to accept the *Varṇāshrama Dharma* but to enforce it;[2] because when it is violated the world will come to an end owing to confusion of castes and duties."[3] Even laws of communities, professions and guilds were to be respected by the king. These were recognised and entered into the proper register of the office of the Superintendent of accounts.[4] Rate of tax was to be fixed in accordance with the customary laws and usage of the communities and regions.[5] Kauṭilya says that the partition of inheritance shall be made in accordance with the custom prevalent in the country, caste, guild or the village of the inheritors.[6]

This shows that the king was bound by local laws. Respects for established customs is emphasized for the conqueror in dealing with his conquered subjects. Even the conqueror was to abide by the customary law prevalent in the conquered territory. Laws of corporate bodies were valid. "Agreement entered into by

[1] *Hindu Polity and Political Theories*, II, p. 22.
[2] I. 3.16.
[3] *Ibid.*, 15.
[4] II. 7.2.
[5] II. 22.15.
[6] III. 7.40.

members of any secret association among themselves shall be valid though entered into in private,"[1] *i.e.*, independent of the king. Even the king was subject to punishment is clear from the fact that as a punishment for convicting an innocent man the king was to throw thirty times the unjust imposition into water as dedicated to Varuṇa.[2] The king was to make good from his own pocket whatever of the property of the citizen robbed by thieves the king cannot recover."[3] This was the corollary of the king's legal responsibility to protect the people. As a matter of fact though royal commands are recognised as the over-riding mode of settling legal disputes, the king always upheld "Dharma bounded by truth."[4] Kauṭilya also is said to believe that "Dharma was the king of kings."[5] This limitation on the king certainly does not support the contention of K.A.N. Sastri that "with Kauṭilya on the other hand (in contrast to general Hindu theory, making the king only the guardian of law and not its maker) the royal decree has an independent validity of its own, more-over that its validity is of so overriding a character that it must be taken to prevail against equity and private treaty, or con-tract and social usage."[6] Ghoshal on the authority of '*smṛti-kāras*' shows that "the *Rājaśāsana* counts as the last work in the judicial decisions where usages are held to be invalid or when all other evidence is wanting."[7] That the king also was punishable does not mean that the law was above him. Otherwise who punished him ? It only means that even kings had to respect laws made or accepted by them. In Hindu theory law and king were not conceived as put in contra-position.

The rigorous training, education and association with aged and wise men from the childhood could have so conditioned the mind and attitude of the king that he could hardly entertain the ambition or intention to play a tyrant. The king was impressed about the virtue of 'restraint of sense' and was warned that

---

1. III. I. 11.
2. IV. 13. 42-43.
3. III. 16. 25-26.
4. J.B.R.S. XXXVIII, p. 469.
5. Kane III, p. 176.
6. *The Age of the Nandas and the Mauryas*, p. 174; IHQ. XXIX pt, 2. pp. 175 ff.
7. IHQ XXVIII, p. 310; XXIX pp. 286 ff.

'whosoever is of reverse character, who has not his organs of sense under his control, will soon perish, though possessed of the whole earth bounded by the four quarters."[1] Reading of history and the unfortunate examples of kings swayed by passions should have exerted a healthy check on the king not to abuse his powers and be a slave of his passions. The teaching that the king who keeps his senses in control will never be devoid of happiness must have impressed on the impressionable mind the virtue of just government and the tragedy of tyrannical rule. Such a well educated and disciplined king "will enjoy the earth unopposed."[2]

The fear of public opinion also must have exerted a healthy check on the king. Kauṭilya wants the king not to make himself inaccessible to his people causing thereby public disaffection. There is no doubt that the examples cited by Kauṭilya of kings who perished due to lack of control over their senses also indirectly warned the king of the danger of popular fury. Kauṭilya does not agree with his teacher that the people must be kept under control by holding the sceptre raised (*udyatadaṇḍa*); Kauṭilya shows respect for public opinion when he observes, "whoever imposes severe punishment becomes repulsive to the people; while he who awards mild punishment becomes contemptible. But whoever imposes punishment as deserved becomes respectable." That the king was to take note of people's reaction to his administrative measures especially coercive ones is clear from this: "Punishment when ill-awarded under the influence of greed and anger or owing to ignorance excites fury even among hermits and ascetics dwelling in the forest, not to speak of householders."[3]

Kauṭilya, as we know, was particularly emphatic on the need of full treasury,[4] but in even raising money the king was not to cause harassment to the people leading to popular resentment. This was the idea behind the provision of exempting "commodities intended for marriages, or taken by a bride from her parents' house to her husband or intended for presentation, or taken for

---

1. I. 6.4.
2. I. 5.17.
3. I. 4.12.
4. VIII. 1.46-52 "Since all activities are dependent upon finance, financial troubles are more serious".

the purpose of sacrificial performance, confinement of women, worship of gods, ceremony of investiture of sacred thread, *godāna*, any religious rite, *dīkshā* and other special ceremonials"[1] from payment of toll. The taxation policy was to be so executed as not to injure the source (the people) as it would 'cause immense trouble.'[2]

A good king was to be "a stranger to such tendencies as would lead him to oppress citizens and country people by levying heavy fines and taxes.[3] Kauṭilya prescribes censure and punishments for the officer "who doubles the revenue, because thereby he eats into the vitality of the country."[4] It was apparently the fear of the public opinion which induced Kauṭilya even in emergency to suggest unscrupulous but indirect means, instead of directly fleecing the people, to replenish the treasury;[5] and even these measures were to be applied only once.[6] So the threat of people's disaffection was one of "the deterrents against the tyranny of heavy taxation according to Kauṭilya."[7] It was the fear of the public resentment mainly which persuaded Kauṭilya to reject the opinion of Bhāradwāja that the minister should usurp the kingdom when the king is on death-bed and princes are enimical to one another. In the opinion of Kauṭilya this was an unrighteous act 'which excites popular fury.'[8]

It should be clearly understood that while righteousness for a king was inherently necessary for his material and spiritual happiness as for any individual, it was a practical necessity for the king and the security of the kingdom, as otherwise the king would be a victim of popular fury. So Kauṭilya's emphasis on discipline, on control of senses of the king, and on his loyality to *Dharma* was probably also influenced by the fear of popular fury against an otherwise king. "In a majority of cases kings given to anger are said to have fallen prey to popular fury."[9] With a view to gauze

1. II. 21.18.
2. V. 2. 70.
3. I. 13.3.
4. II. 9. 15-16.
5. V. 2. 37, 68.
6. V. 2. 30.
7. Kane III. p. 199.
8. V. 6.32.
9. VIII. 3.7.

public opinion regarding the king and his administration, the king sent different classes of spies to espy over the country and city peoples. The spies taking seemingly opposite sides in places where large number of citizens meet, such as in places of pilgrimage, assemblies, and gatherings, would try to find out the cross-currents of public opinion about the king. Spies were even to take note of the rumours prevalent in the state. They were to watch the conduct of those sections of the population who had helped the king by money or grains or who lived upon grain, cattle, and gold of the king; and when they found them contented they were to be favoured by gifts and honour by the king and even those who were found discontented or disaffected were to be conciliated if possible; if this was not succeseful then seeds of dissension were to be sown in such ways that they could not organise a united rebellion or hatch conspiracy with an enemy or wild tribe or a banished prince. Kauṭilya also suggests that they were to be employed in collecting taxes or fines which would estrange them from the masses.[1] In other words Kauṭilya is so much worried of popular discontent against the king that for the sake of the latter he prescribes apparently clever and unscrupulous measures to prevent the leaders of discontent from succeeding in raising popular movement against the king. He was aware that a section of the discontented people howsoever weak and even (apparently) friendly will be a source of encouragement to hostile foreign kings. Disaffected persons of an enemy state were to be won over by the king to join a conspiracy against their own king.[2]

According to Kauṭilya one of the essential qualities of a *janapada*, one of the seven essential constituents of sovereignty, was a population noted for its loyalty.[3] Possession of loyal and devoted subjects enabled the king to successfully complete any project with their help and without much expense.[4] If loyal subjects were a strength to the king, 'a king of considerable power because of estranging his subjects by taking himself to evil ways

---

1. I. 13. 15-20.
2. I. 16. 24-25.
3, VI. I. 8.
4. VII. 7.

becomes assailable."[1] The enemy possessed of immense power will hurt the elements of his own sovereignty "by using contumelious language, by inflicting severe punishment, by squandering his wealth."[2] Some of these actions would enrage public opinion against the king.

Popular discontent was so much suicidal to the king that Kauṭilya recommends even an inferior king to attack his ally if the latter's subjects are oppressed.[3] The idea is that an ally with discontented population is a source of weakness rather than of strength, and so this situation should be terminated by the conquest of the ally's kingdom. The conquering king after declaring war on the enemy could be advised to keep quiet and get his desired result, if amongst other things "his enemy's subjects are ill-treated by their king, impoverished and greedy and are ever being oppressed by the inroads of the army, thieves and wild tribes."[4] Kauṭilya significantly observes that he does not agree with his teacher in whose opinion poverty and greed of the citizens are worse calamities than their oppression by the king as the latter could pacify them by punishing their leaders. In the opinion of our author even impoverished and greedy subjects of the enemy-king if loyal to their master could stand by him and will not be amenable to intrigue and could not necessarily be won over. Therefore the conqueror should march against the enemy whose subjects are oppressed.[5]

Among the characteristics of the worst enemy, who can be easily uprooted, was 'possession of disloyal subjects.'[6] Popular discontent caused by the oppressive policy of the king was a much greater danger than poverty of the subjects, and greediness is caused by poverty. Impoverished, greedy and disaffected subjects yield themselves to the intrigues of the enemy, "Hence no king should give room to such causes as would bring about impoverishment, greed or disaffection among his people; if how-

1. VI. 2.
2. *Ibid.*
3. VIII. 3.
4. *Ibid.*
5. VII. 5.9, 15.
6. VI. 1. 13-14.

ever, they appear he should at once take remedial measures against them."[1] While an impoverished people are apprehensive of oppression and destruction and are therefore desirous to get rid of their impoverishment by waging war or migrating elsewhere, while a greedy people yield themselves to the intrigues of an enemy, a disaffected people rise against their master along with the enemy.[2]

Popular disaffection may make people to desert the baseborn king, "even he be strong as people do not like him lest they may come to grief under him."[3] To avoid the risk of popular disaffection Kauṭilya advises the king "not to march against a virtuous king as it would cause displeasure of his own people."[4] The extreme fear of the people's wrath is aptly expressed by Kauṭilya thus: "Of the two, anger is more serious...and mostly kings under the influence of anger have been killed by rising among the subjects"[5] (here *prakṛti* means the people). The anxiety not to make the public opinion hostile was strengthened by the realisation that "forts, finance and the army depend on the people."[6] This is why of the four kinds of dangers that which is of internal origin and of internal abatement is the gravest one; and the king is advised to employ all the strategic means except coercion to separate citizens and country people from traitors.[7] Even a weak king invaded by a strong king could make trouble for the latter by creating disaffection among the enemies' people, by sowing seeds of dissension among them and by provoking them against their king with the help of his (the weak king's) spies.[8]

According to Kauṭilya, of the five means to capture a fort "winning over enemies' people" is one.[9] Advantages of a favourable public opinion were clearly discerned by Kauṭilya. He

---

1. VII. 5. 28.
2. *Ibid.* 29.
3. VII. 5.17.
4. VII. 13. 11-12.
5. VIII. 3.5-7.
6. VIII. I. 28.
7. IX. 5. 30-31.
8. IX. 6.
9. XIII. 4. 63.

advised the conqueror to follow "such a policy and take such measures so as to win the affection and the trust of the newly conquered people." "The king was to cover enemies' vices with his own virtues. He was to respect the customs and usage of the conquered. He was to remit taxes and give rewards to them."[1] He was to follow the leaders of the people. He was to promise good government and protection and was to be true to his promises. With a view to endear himself to the conqured people he was to adopt the same mode of life, the same dress, language and custom as those of the people. He should follow the people in their faith with which they celebrate their national religious, and congressional festivals and amusements ...... he should release all prisoners, and afford help to miserable, help the helpless and diseased persons,[2] and learned men, orators, charitable and brave persons should be favoured with gifts of lands, money and remission of taxes."[3] Enemy with disaffected subjects was considered easier to handle for successful execution of any invasion.[4]

The foregoing discussion will make it clear that for the success or failure of internal policy and international diplomacy or war, favourable or unfavourable public opinion counted much. A discontented people would not only encourage the foreign enemy to intrigue against the king or even invade his territory, but also ultimately cause popular rebellion leading to destruction of the king and the kingdom. Therefore Kauṭilya warns the king not to enrage the people or cause disaffection or impoverishment among them "by insulting the good and commending the wicked... by not regulating observance of popular and righteous customs, by doing unrighteous acts and neglecting righteous ones by doing what ought not be done and not doing what ought to be done... by not punishing the guilty, by arresting those not to be caught hold of and by leaving those who are to be arrested... by not protecting the people of thieves and by robbing them of their wealth...by giving up manly enterprises and condemning good work; by hurting the leaders of the people and despising the

---

1. XIII. 5, 3-5.
2. XIII. 5. 11.
3. *Ibid.*
4. VI. 1. 13.

worthy, by provoking the aged by crooked conduct and untruthfulness, by not applying remedies against evils, by neglecting works in hand, and by his carelessness and negligence in maintaining the security of persons and property of subjects."[1] This would show that in those times the public opinion could be enraged (against) the king, (for latters' great disquiet), by his attack on the liberty of the innocent citizens, by excessive extortion of money from the people, by failure of law and order, by ignoring the respected leaders of the people, and by the government neglecting its responsibilities for the planning and execution of profitable works with enthusiasm.

These conditions would rouse the public opinion against the government in any state even today and Kauṭilya's prescription to avoid such a situation proves that in his considered view the king was to be always mindful of popular opinion. Regard for public opinion was thus a practical limitation on the king's absolutism. This indirect conceding of the right, rather the duty of the people, to revolt against unrighteous king rejects the theory of non-resistance to the king at all costs. So though there was no organised popular assembly acting as a check on the king, the fear of public opinion was a real restraining factor.

prevalent theories of kingship and its high ideals also must have had some restraining influence on the king. Kauṭilya while emphasizing the grounds of obligation and obedience by the people to the king informs us that the kingship was first founded as a result of social contract between the people and Manu, by electing him as their first king to end the state of anarchy (*mātsynyāya*) and to protect the people and punish the guilty. In return for this the people agreed to pay $\frac{1}{6}$th of their grains to the king as 'a tax payable to him who protects us.' The king who violated the principle of just punishment and taxes "was answerable for the sins of his subjects."[2] This theory is not much different from the theory that a king who does not protect and maintain law and does not contribute to the happiness and welfare of the people, loses the right to rule, and the people

---

1. VII. 5. 19.26.
2. I. 13. 5-9.

have a right of rebellion—a theory which is very popular with some Dharmśāstras (Baudhāyana, 1,10-1), and later works like the *Mahābhārata* (*Śāntiparva*. Ch. 67).

As a matter of fact the taxes the king was entitled to receive from his subjects were a kind of wages that were given to him by the people for his service of protection to the people. Kauṭilya uses the word '*bhṛta*' (maintained by the wage). The conception of the king as a servant of the people was not unknown to Kauṭilya. In the chapter dealing with the king marching against an enemy, Kauṭilya recommends the righteous king to call his army together and address them thus: "I am a paid servant like yourself."[1] A king who could express like this publicly himself even for a moment could hardly believe in the theory of absolutism and practice tyranny over the people. The high ideals of kingship Kauṭilya placed before the king were also meant to keep the king within bounds, and not to let him oppress the subjects. The king was to treat his subjects favourably like a father treating his son.[2] The ideal cherished was of the king merging his happiness with that of his subjects.[3] Kauṭilya's king was to be ever energetic and ever wakeful, discharging his duties to the people.[4]

Religion must have also exerted a moderating influence on the king. The highest ideal of the individual was to attain heaven (*svarga*). Protection of the subjects would make the king conquer four ends of the earth.[5] He was answerable for the sins of his subjects.[6] His was the divine duty of just government. He had to expatiate for unlawful punishment of an innocent man.[7] Religious sanction in those days was expected to guide the conduct of the masses, there is no reason why it could not influence the conduct of the king educated in religious literature and having faith in religious sacrifices, and faithfully following

1. X. 3.27. This does not mean that the king was actually a salaried person. It expresses an ideal and spirit of kingship (Jayasval, *Hindu Polity* II, p. 136; Kane III. 27-28).
2. II. 1. 18; IV 3.43.
3. I. 19. 34.
4. *Ibid*., 35.
5. III, I. 43.
6. I. 13.8.
7. IV. 13. 42-43.

the precepts of the *śāstras*.[1] Therefore, the instruction was that for a king the religious vows is in his readiness to action; satisfactory discharge of duties is his performance of sacrifice; impartiality of behaviour, is sacrificial fee, and sacrificial initiation for him is consecration."[2] Vow of duty, as Varma[3] calls it, must have been taken to heart by the God-fearing and religious king. This does not mean that for the sake of security and happiness of the kingdom, the king was averse to taking actions which were sometimes not in conformity with rigid morality.

The sturdy and autonomy-loving village communities and guilds also must have checked the arbitrariness of the king. Kauṭilya speaks of autonomy of village communities and has respect for guild-laws etc., provided they are not against the larger interest of the community or the king.

The Brāhamaṇas, especially their representative *purohita* and the thinkers, must have exerted some check on the king. "As a student his teacher, a son his father, and a servant his master, the king shall follow him (high priest).[4] The *purohita* received a salary of 48000 *paṇas*, equal to that of the Prime Minister (*Mantrin*).[5] The influence of the priests and *ṛtviks*, ascetics, specialists in magical arts was bound to be considerable at the time when the king and the masses believed in supernatural magical powers of the *mantras* and sacrifices. Kauṭilya provides for these for the prosperity of agriculture,[6] for fighting natural calamities,[7] and in wars against internal and external enemies.[8] Providential calamities such as fire etc. were believed to be arrested by worshipping gods and Brahmins.[9] Rites prescribed in the *Atharva Veda* were to be performed by accomplished ascetics to avert demonic troubles.[1] Even the army was to be encouraged by the Brāhmaṇas by religious sacrifices or *mantras* or religious exhortations to the people.[2] So the Brāhmaṇas must have had considerable influence on the king. But that does not mean that the Brāhmaṇas as a class enjoyed supreme political power; we cannot speak of theocracy in ancient India.[3] In the whole range of Hindu political thought there is to be found no trace of theocracy.[4]

---

[1] I. 5. 11-16.
[2] I. 19.38.
[3] J.B.R,S. XXXVIII, p. 304.
[4] I. 9. 10.
[5] V. 3.3.
[6] II. 24. 27.
[7] IV. 3. 5, 10-16, 25-26, 37-38, 40-44.
[8] XIV. I. 34-39.
[9] IX. 7. 82-83.

But these checks on royal absolutism are psychological and didatic. These are checks which the king in his own interests and in view of his training and education and environment was to respect. The right of the people to open rebellion against a tyrant king was indirectly conceded and must have had a deterrent influence on potentially unrighteous kings. But this was an ultimate step, and there was not a constitutional machinary to prevent the king acting tyrannically and to keep him within bounds in day-to-day administration. Was there such a check provided by Kauṭilya? He categorically states that the king could not bear the burden of sovereignty alone and had to seek assistance and counsel from others. "A single wheel can never move. Hence he shall employ ministers and hear their opinion."[5] He does not conceive of personal government. Kauṭilya mentions a prime minister, ministers and a council of ministers. In his opinion, "All kinds of administrative measures are preceded by deliberations in a well formed council".

The council deliberated over means to carry out works, to organise men and resources for these, to fix the time and place of the execution of the work, to provide against danger, and to assure final success of the decided plan." The ministers were to consider all that concerns the parties of both the king and his enemy, *i.e.*, the foreign affairs. They were to see that work on any project decided upon is begun, to complete incomplete projects and to further improve the already completed works. The ministers were expected to enforce obedience to orders (*niyoga-sampadam*).[1] The king was to consult ministers who were near and to seek the advice of those who were away by means of writs. So we see that consultation with ministers was enjoyed upon the king. In emergencies the king was to summon the full council of ministers, together with the mantris and was to do whatever the majority of the members suggest or whatever course of action would lead to success.[2] Mainly on these grounds Jayasval, Dikshitar,[3] etc., conclude that the Mauryan king ship, whom they identify with the Kauṭilīyan king, was a limited monarchy and the ministers were the real masters and were representatives of the Paura-Jānapadas, Capital and National Parliaments. Before criticising the view we must concede that Kauṭilya gave considerable importance to the king's consultation with ministers[4] and therefore suggested rigorous tests for the selection of the ministers.[5]

---

[1] *Ibid.*
[2] X. 3. 31-34.
[3] J.B.R.S. XXXVIII, pp. 73-77.
[4] Sarkar, *op. cit.* p. 168.
[5] I. 7.9.

There is no doubt that no king would ignore the advice of such councillors, but it would be going too far to regard the Kauṭilīyan king a constitutional ruler with the reins of the government in the hands of the ministers. It is as clear as it could be that to Kauṭilya the king was much more important and powerful than the ministers, and in discussing the comparative importance of the seven elements of sovereignty Kauṭilya regards distress of the king more serious than the distress of the *amātya* or minister.[6] And rightly so, as according to Kauṭilya the king appointed and dismissed ministers, and when his ministers fall into troubles he employs others.[7] According to Kauṭilya trouble caused by ministers, or the priest or the commander-in-chief or the heir-apparent is internal trouble; and the king could get rid of such an enemy, could even banish or imprison the priest, and the heir-apparent could be executed or imprisoned. Similar fate awaited the minister and the commander-in-chief.[1] This would clearly suggest that the king had the upper hand; he was the ultimate power and not the ministers. It is obvious that those of the members of the highest civil service who stood all the tests and were of proved ability and loyalty were selected as ministers, and therefore there is no basis for the view that the ministers in the Kauṭilīyan state were representatives of the people and were responsible to parliament. They were responsible to the king who employed spies to watch over their activities;[2] if the government was *mantripradhāna* or dominated by ministers rather than by the king (*Rājapradhāna*), the latter could hardly espy over them. The ultimate responsibility for the government lay upon the king.[3]

---

[1] I. 15. 51-53.

[2] *Ibid.*, 58.

[3] *Hindu Polity*, pt. II., 68-108; *Mauryan Polity*, 94-96, 134-138.

[4] VIII. I. 23.

[5] I. 9.

[6] VII. I. 12-13.

[7] *Ibid.*, 14.

There is no doubt that the king consulted the ministers and normally would give weight to their advice, but there is no ground to believe that the king had to accept the advice in all cases. This is hardly conceivable in a system in which the king had the right, ordinarily, to consult the ministers severally or jointly as he wished and even could deliberate 'by himself'[4] (exclusive of ministers). Kauṭilya clearly suggests that the king was the judge of the validity or invalidity of the reasons advanced by the ministers to support their respective opinions.[5] The inference that can be drawn from the foregoing discussion is that the ministers had mainly advisory functions and the king could reject in his discretion the advice of the majority if some other course appeared as more conducive to success. There is no evidence to take *Paura* and *Jānapada* as sovereign assemblies. They do not appear in the seven essential elements of sovereignty (*See* Kane, III 93-96). Though the ministers and the higher civil service (Kauṭilya uses '*amātya*' in both senses) were next to king in importance out of the seven essential elements of sovereignty, they were not above the king but below him. But there is no doubt that normally the

---

1. IX, 3. 12-14.
2. I. 10.
3. J.G.J. I. IX. pp. 24 ff.
4. I. 15. 41.
5. Sarkar *op. cit.* p. 69.

ministers because of their ability and experience and as confidential advisors of the king exerted influence on the king's policy and actions. And naturally therefore teachers and ministers who warn the king of his careless proceedings even in secret were to be respected.[1]

So the king, according to Kauṭilya, was not a limited monarch in the modern sense of the term. There was no permanent constitutional instrument to check the king. But the king was taught and trained to rule with moderation and to keep the people in good humour. But so much depended on the king that Kauṭilya impressed on the people to obey the king loyally. Among the grounds of obedience to the king was self-interest of the individual citizen. When there was no king to wield *daṇḍa* a state of anarchy would prevail to the utter discomfort of the people. In the absence of the *daṇḍa-dhara* the strong will devour the weak.[2] The people were also bound by the original compact according to which they had selected the first king and promised to pay him taxes.[3] So it was the moral obligation of the people to obey a righteous king who protects the people. Secondly, the individual who observed the law of his caste and order and did not swerve from his duties was assured of happiness in this as well as in the next world.[4] Divine sanction was also sought for the authority of the king with a view to impress on the people the virtue of obedience to the king and the sin of disobedience. By comparing the king with Indra and Yama and declaring that whoever disregards kings will be visited with divine punishment, and that kings shall never be despised,"[5] peoples' relgious duty to obey the king was emphasized. People in those days were God-fearing and believed in the magical powers of sacrifices and *mantras* and even of individuals. One of the means of enthusing his people for his policy and frightening his enemy that the conquering king was advised to take recourse to win was "by giving publicity to his power of omniscience and close association with gods."[6]

[1] I. 7.8.
[2] I. 4.13-14.
[3] I. 13. 5-7.
[4] I. 3. 14-17.
[5] I. 13. 10-12.
[6] XIII. I, 1-10.

It was by playing on superstitions of the people and by taking advantage of their God-fearing nature that the king could take some unscrupulous measures to replenish the treasury,[1] without exciting popular fury. What is interesting to observe is that Kauṭilya did not believe in the magical rites himself but knowing the gullible character of the masses he recommends numerous magical tricks by the astrologers, soothsayers, or priests to convince the people of the conquering king's power, and of the divine sanction of the programme.[2] Credulous and superstitious masses, hence, put their devoted faith on the king. Beni Prasad rightly observes that "throughout his work Kauṭilya displays an abnormal anxiety to enlist religion in the service of espionage."[3] The most serious ground of obedience was the fear of the coercive power of the king. People kept to their respective paths ever devotedly adhering to their respective duties and occupations,' 'when governed by the king with his sceptre."[4] The consequence of opposing the king was terrible as the king wasmore powerful than fire in burning his opponents, "whereas fire burns a part of the whole of the body, if it all; the king has the power to destroy the whole family."[5]

There is no reason to be bewildered at Kauṭilya who while directing kings to respect public opinion or to be prepared for the consequences of enraging the people, impresses on the people their duty to obey the king. In ancient India the emphasis was laid on the respective duties of the different sections of the people, not on their exclusive rights and this would guarantee mutual respect for others' rights as well. There could hardly be any contradiction or conflict between the duty of the king to rule righteously and the duty of the people to obey their righteous king. It was a righteous king who was to play a directional and active role in the government.

---

[1] V. 2.
[2] XIII. I.
[3] *State in Andient India*, pp. 276-77.
[4] I. 4. 16.
[5] V. 4. 17.

3

THE CIVIL SERVICE

WITH the rise of political authority, organisation of civil service for assisting the government in carrying on the administration was an inevitable development. Fortunately, for ancient Egypt and Mesopotamia we have written references, some of which are contemporary inscriptions of great antiquity informing us about the expansive state activities and a powerful large administrative personnel to carry on the heavy and onerous tasks. We have particularly detailed account of the administrative system prevailing in the time of Thothmos III, or that of the time of Hammurabi. Even for earlier periods we have some knowledge of the administrative structure of these countries. But we are practically ignorant of the administrative system and the officers of the Indus Valley Civilization of the 3rd millennium B.C. The fact that there is absolute uniformity in the layout, in architecture and building materials, and in civic amenities of the cities, makes out a strong case for assuming the existence of powerful, stable and efficient political authority with a large executive and supervisory staff to enforce the rules and regulations. But until the successful decipherment of the Harappan script, nothing definite can be stated about the subject.

For the Vedic period our main sources are sacred literary compilations with no inscriptions to corroborate the evidences. The political picture that we obtain for the early Vedic period is of small tribal kingdoms often in war against one another or against the Non-Aryan tribes. The king, often elected, was ruling the kingdom with the help of such political assemblies as the *Sabhā* and *Samiti*. The functions of the political authority were generally limited to military, certain executive and very limited judicial functions. The mention of the titles such as *Senānī* and *Purapati* suggest the beginnings of a separate military wing of administration.[1]

---

[1] R.V. VII. 20.5 : I.173.10.

Large number of spies of Lord Varuṇa might have had their counterparts on the earth and the earthly king appears to have employed spies to keep himself informed of the doings of his subjects with a view to control them.[1] However too many internecine wars amongst the small kingdoms and their obvious economic viability were bound to suggest the necessity of larger political entities for both economic and administrative reasons. This led to rise and growth of larger territorial and powerful hereditary monarchies in the later Vedic period: As the institutions of the *Aśwamedha* and *Vājapeya* sacrifices stimulated and sanctioned militant aggressive imperialism, leading to the rise of larger states, the development of the administrative machinery was inevitable. The scope of the functions of the state widened and consequently administrative machinery expanded. From the Brāhamaṇas we come to hear of many administrative officers so important as being regarded limbs of the government. *Sūtas*, *grāmaṇis*, *kshatras*, *sangrahitṛ*, *bhāgaduhga*, *akshavāpa* besides the *Senānī* are the high officers who are referred to in connection with the *Aśwamedha* sacrifices or the *Ratnahavi* ceremony forming part of the very significant coronation ceremonies.[2]

It is quite obvious that by this time some specific departments under separate heads had been organised for smooth administration. The charioteer, the chamberlain (kshatṛ), the treasurer (sangrahitṛ), the collector of revenue (bhāgaduhga), the village headman (grāmaṇi), commander-in-chief (senānī) headed respective departments. Of course it is not known how were these officers recruited and what were the conditions of their services. But one thing is clear that ability and strength of the high civil servants and their assurance of loyalty and cooperation to the successor-king were considered so vital and essential that the new king in course of going through his coronation ceremony had to go to the doors of the *Ratnins* (Jewel holders) who included the high officers of the king menioned above, and offer oblations to gods for the loyalty of the powerful officers. Thus divine interference was sought for cementing the bond between the new head of the state and the senior civil servants in office from before. However the Vedic state was on the whole rooted in rural setting. With the beginning of the

---

[1] *ṚV.* III 43.5; RV. I.25.13.

[2] *S.B.* XIII 4.2.5.

Buddhist period we find cities on the banks of large rivers and therefore with huge economic potentiality emerging as centres of political and cultural activities. For effective exploitation of economic resources and irrigational facilities strong centralised states with wide despotic powers and expanding administrative structure became essential with a view to extending effective control over as large an area as possible.

The result was the rise of competitive imperial states with developed military technique and greater economic resources. In this race Magadha ultimately emerged most successful and under the Mauryas an all-India empire was established by 320 B.C. Combined testimonies of Megasthenes, Aśoka's inscriptions and Kauṭilya's Arthaśāstra, show that the Mauryan empire with vast centralised political authority and control over the enormous economic resources of the vast dominion organised an integrated large civil service to exercise the almost exclusively operational leadership and also practically monopolistic control over the economic resources. Of course the interests of the state or the king were to be merged with the interests of subjects.[1]

The Mauryan king possessed large agricultural estates, owned and operated both feeding and finished industries like agriculture, mines, forests, textile, furniture, armament industries etc. Even where private enterprise was allowed the control of the king was there. The king regulated markets, weights and measures, prices and also working conditions in fields and factories. The king took particular care in providing irrigational facilities and in encouraging and even compelling the people to co-operate in the construction and maintenance of dams and bridges. Trade and commerce was under effective state control. The maintenance of proper social conduct and performance of religious sacrifices were important duties of the king. The responsibility of helping and maintaining the weak and the helpless must have had administrative implications. In the time of Aśoka instructions in and propagation of religio-social virtues became a state duty. In a word the state assumed heavy responsibility of all round leadership and had to command large material and human power

---

1. K.A.I. 19.

resources. The state certainly dominated over the commanding heights of the economy. This very exhaustive and comprehensive scope of governmental activity and responsibility spread over practically the entire country necessitated the recruitment and maintenance of a large and efficient civil service.

Kauṭilya's *Arthaśastra*, which is generally accepted to mirror Mauryan political and administrative ideas and institutions, has very much to say about the recruitment and conditions of the civil service. No sphere of activity of the people could claim immunity from the heads of the government officers. So much depended on the high civil service that the *amātya* (highest grade of officers) was regarded as one of the seven essential elements of sovereignty.[1]

The *mantris* or the members of the *mantriparishad* were actually officers of the king appointed by him, and were not representatives of the people holding offices independent of king's choice. They should therefore be regarded as forming the topmost part of the large bureaucratic pyramid. The three words, *amātya*, *saciva* and *mantri* have the same sense, a councillor or minister.[2] The *mantris* were appointed from amongst those *amātyas* who had withstood all tests.[3] They appear to have belonged to the special selection grade of officers *amātyasampat* as Kauṭilya in the chapter on the appointment of *mantri* and *purohita*, refers to *amātyasampat* having the excellent qualities enumerated by him. They appear to have been of three grades according to merits. Probably members of the *mantriparishad* were such junior ministers of middle and lower ranks.[4] Kauṭilya makes clear distinction between *mantris* and the *mantriparishad*, latter constituting a larger body of advisors than the chosen few *mantris* and the *purohita*. The *mantriparishad* was consulted on all matters concerning administration, policy its execution, and mobilisation of resources. The *mantris* could be consulted collectively or individually. All this was

---

1. VI.I.I. *Amātyā* does not appear to refer to ministers alone but the whole group of high officers including ministers (*mantris*).
2. Apte's *Sanskrit-English Dictionary*, pp. 46, 424, 477.
3. I. 10. 14. *Sarvopadhāśuddān mant.*
4. *Ibid* I. 9.1.2.

to be in complete secrecy. But the king was free to accept or not to accept their advice in the interest of the people as he thought best. Though the ministers were chosen on considerations of merits, there is no doubt that preference was given to those of proved loyalty, of noble birth and well educated.

In the nature of social hierarchy prevalent in the period, it is safe to assume that the ministers were mostly recruited from the higher classes—the Brāhmaṇas and the Kshatriyas, but Kauṭilya is firm and in agreement with Bāhudantiputra that for doing work it is the ability of a person that is to be judged.[1] The number of *mantris* to be appointed should be in conformity with the place, time and work but three or four *mantris* were preferred.[2] The strength of the *mantriparishad* according to the Mānavas was to be 12, according to followers of Bṛhaspati 16, and according to followers of Usanas 20. But Kauṭilya is in favour of no fixed number but according to capacity.[3] *Mantriparishad* in view of the work to be done by it appears to be the highest executive body whose duty was to execute the decisions arrived at by the king with or without delibertion with the council of ministers, which in no way can be compared to modern cabinet, responsible to the legislature and being merely decision taking body.

It appears that the king with the *purohita* and *mantri* constituted the selection board for the recruitment of the higher civil servants.[4] But minimum qualifications suitable for the central services were laid down. Among these mention may be made of emphasis on noble birth, nativity, health, educational or technical proficiency in arts, mental qualities of intelligence, eloquence, memory, possessed of ready wit with boldness, perseverance, energetic, capacity to bear trouble, steadfast loyalty, upright, friendly, nobility of character and practical wisdom, freedom from stiffness and fickleness and incapable of making enemies. These qualifications were tested by the reports of influential persons, by certificates of educational experts or teachers, by practical tests including personality tests and viva-voce, and by testimony of intimate friends

---

1. I. 8.24-28.
2. I.15. 38-41.
3. I.15. 47-49. *Yathāsāmarthyam.*
4. I. 10.1.

and co-inhabitants; the candidate's conduct, sense of dignity, freedom from intolerance and ficklemindedness were thus ascertained.[1] Thus it appears that oral and practical tests besides testimonilas from reliable persons were the means adopted to ensure recruitment of right type of officers. On the basis of the degree and the number of essential qualifications successful candidates were divided into three ranks.[2]

After the recruitment of the officers the next task was to assign them to different departments taking into consideration their tested characteristic strong and weak points. After general tests for the recruitment of the officers the successful ones had to undergo other kinds of special tests to be judged suitable for specific types of jobs. It appears that after recruitment to the general cadre of the imperial civil service, the selected ones were chosen for different departmental tests, practical and selective, demanding special excellence in particular aspect of character and ability necessary for high office in a particular department. By means of religious, monetary, fear and love allurements offered to the selected *amātyas*, special good and bad points in their character were observed. Those successful among these were correspondingly offered jobs suitable to their ability taking into account their proved strength and weaknesses at the tests. Such tried *amātyas* who had successfully passed the test under religious allurement (*dharmopadhā*) were employed in civil and criminal courts; those whose purity has been successfully tested under monetary allurements (*arthopadhā*) were employed in the work of accounts, revenue, stores (*samāhartṛsannidhātṛnicayakarmasu*). Such *amātyas* who passed the test of lust (*kāmopadhā*) were appointed guardians of recreations (*vihāra*) such as parks in the palace complex and outside; while those who passed the test of fear (*bhayopadhā*) were appointed king's body-guards or in charge of works demanding proximity to the king. But those who came out successful in all the tests were to be appointed as ministers (*mantriṇaḥ*).[3] There is no doubt that such tests of allurements were risky as the character of even pure men could be

---

1. I. 9.1-3. However this is far from competitive examinations introduced in ancient China for the mandarins.
2. I. 9.2.
3. I.10

subjected to allurements and be consequently poisoned. Kauṭilya therefore advises the king and the queen never to be targets themselves for the tests for the sake of testing the character of the *amātyas*. He should instead rely on the reports of confidential spies for ascertaining the characteristic weaknesses and faults of the character of his officers. That is why the spies were appointed by the king advised by his *amātyas* tried under espionage. The spies were set upon even the ministers and the citizens in general.[1]

There were many classes and grades of government servants. There were ministers, *amātyas* of different grades, priests, *adhyakshas* or heads of departments, ambassadors of minister's rank, charge-de-affairs of the rank of any *amātya*, judicial officers like *dharmasthīyas*, and judges of the *kaṇṭakaśodhana* courts, *pradesṭāraḥ* and *amātyas* entrusted with powers of maintenance of law and punishment of criminals, *lekhaka* or scribe possessed of ministerial qualifications, *sthānika* and *gopa* in charge of number of villages or houses or quarters of a city, the city superintendent or *nāgaraka*, besides a host of minor and junior officers. There were *grāmikas* and *grāmabhṛtakas*, army personnel of different ranks, spies of different categories and ranks, physicians, fortune-tellers, teachers, soothsayers, astrologers, narrator of the *Purāṇas*, *sūta*, *māgadhas* (bards), servants and many others besides casual workers.

As so much depended on the government servants the king was anxious to offer such conditions of service which would ensure enthusiastic service and active discharge of duty by the officers concerned. The government servants were regularly paid salary as prescribed.[2] It is not definite whether the salary as mentioned by Kauṭilya was on monthly or annual basis, but most probably on monthly basis. The inequality in salary was considerable. While the highest salary was 48000 *paṇas*, the lowest was 60.[3] Many of the officers like superintendents (or heads of the department), accountants, *gopas*, *sthānikas* were also assigned lands in the newly colonised villages but they had no right to alienate such land by

[1] I. II.
[2] V. 3.
[3] *Ibid.*

sale or mortgage.[1] It appears that quarters were constructed in the royal city for the army and factory officers and for the workmen in royal establishments.[2] If in need the government servant was helped by the king with grants of financial assistance, and produce from forests, cattle or field.[3] In consideration of their knowledge and efficiency in work the wages and allowances were to be increased. Officers who died on duty had their sons and wife paid wages and food by the government. Even the minors, diseased, or old relatives dependent on the deceased government servant were to be helped by king. Probably members of the deceased government servants' families were granted money and honour on occasions of death, illness and birth ceremonies in the families.[4] The low paid employees were also supplied rations besides salary in as wage in cash.[5] Touring officers were granted travelling allowances at a graduated rate on distance travelled.[6] Superior officers like the superintendents heading one hundred or thousand groups or classes of employees were entrusted with the disbursement of wages and subsistence, and with postings and transfers of their subordinates.[7] It appears that postings and transfers from one place to another was recommended. Heads of the department were transferred from one department to another.[8] However persons posted in charge of royal property and fortifications were not to be dispersed.[9]

While it is true that Kauṭilya provides for fines for most of the offences committed by government servants leading to loss of revenue, he was humane and practical enough to prescribe a general code of behaviour for the king to put up with minor offences and to honourably confer favours on such employees who cause great benefits to the state.[10]

After providing for a secure life for government servants, the king took particular care to ensure that they worked under strict

---

1. II. 1.7.
2. II. 4.10.
3. V. 3.31.
4. V. 3. 28-30.
5. V. 3. 33-34.
6. V. 3.19.
7. V. 3.25 (*Vikshepa* has this meaning).
8. 11.9.31.
9. *Ibid*. 3.26.
10. 11.7.41.

control and discipline. A government officer was expected to know the informations gathered by espionage and to supervise the work in his department as regulated, otherwise this would cause loss of revenue to the government. Superintendent of Audit and Accounts had to get the activities in the department watched by spies. Government servants' negligence, inadventure, idleness or selfishness, fear, addiction to pleasure etc. could lead to much loss to the government. Showing undue favours to those who worked with him was also an offence. Such officers if proved responsible for the loss in revenue were fined in conformity with the offence according to Kauṭilya.[1] The superintendent was rewarded or punished eight times the amount he caused to gain or lose to the state exchequer.[2] Accountants were to present their accounts in time with the net-revenue and be ready for audit in time on pain of severe fine.[3] Kauṭilya was very particular about the proper and above board conduct of government servants as they had, in a highly centralised state with government controlling largely the economic life in the empire, tremendous power of mischief capable of causing financial loss to the king. As all undertakings depended on finance, the interest of having full treasury demanded the highest attention of the king, and one of the means to keep the treasury full and growing was 'control over employees' (*yuktapratishedhaḥ*).[4] One other means of check on the working of the heads of departments was to appoint more than one temporary head in some departments,[5] one would act as a check on the other. Kauṭilya had no high idea about the financial integrity of officers and he was sure that a government servant misappropriates government money as inevitably as one must taste honey or poison placed at the tip of tongue.[6] He enumerates as many as forty ways of embezzling government money[7] and says that it is as difficult to be sure about the honesty of an officer as to find out wheather fish in the water is drinking or not drinking the water.[8] Defalcation of government

1. II. 7. 9-14.
2. *Ibid.*, 19-20.
3. II. 7.21-23.
4. II. 8.2.
5. II. 9.31. *Bahnmukhyamanityaṁ cādhikarṇam sthāpayat*
6. II. 9. 32.
7. II. 9. 20-21.
8. II.9.33.

money was probably a common apprehension from government servants and Kauṭilya states: "In all departments the punishments for officers, subordinates and lower class of employees (*purushas*), in case of defalcation upto one *paṇa*, beyond that (increased by one *paṇa*) upto four *paṇas* shall be the lowest, the middle and the highest rate of fines, and death respectively.[1] Theft and appropriation by officers of government products like forest goods, from royal forests, minerals from mines, goods and tools from magazines, articles of low value from factories, and produce from agricultural fields were punishable with fines or the low, middle and highest rate of fines in place of prison sentence (*sāhasadaṇḍa*) for such criminal actions. The death was the penalty prescribed for an officer who stole an article of high value or a gem from mines or factories.[2] Therefore, Kauṭilya lays down that government servants at work must be carefully supervised and should not be allowed to work together in concert or in dissension,[3] as this would hamper execution of the work and make eating up of revenue easy. He also recommends the use of spies on government servants to watch and ascertain relation of their expenditure to known income of such employees,[4] and thus detect their black money. The head of each department was required to thoroughly scrutinise the actual work done by his subordinates and to check in detail the receipts and expenditure. To ensure this every department was given the assistance of accountants, treasurer, coin-examiner and scribes.[5]

The government servants were to be induced with a high sense of loyalty to the king and service to the king's subjects. Fines, censure and dismissals, and in extreme cases capital punishment were main disciplinary measures taken against guilty officers. We have already seen that government employees misappropriating and stealing and defalcating government money or things were punished with fines or different degrees of *sāhasadaṇḍa*. The amount of fine was much higher than the amount of theft or misappropriation. Officers counterfeiting the seals and documents of private persons, superintendents, heads of departments or principal officers (*mukhya*) and those of the king were punishable with lowest, middle, highest rate of fines (*daṇḍa*) and death respectively. A judge who threaten or insults the litigant was punished with lowest rate of fines for crimes, or double of that.[1] A judge could be even removed from office if he did not conduct the trial properly and he repeated the offence again and again.[2] Even the clerk who did not make correct recording was fined according to the nature of the offence. The judge or the magistrate (*dharmasthīya*, *pradeshṭā*) had to pay double the amount as fine which he illegally imposed on an innocent litigant. If corporal punishment was proved to be wrongly awarded by him, he was made to suffer the same punishment or pay double the normal-redemption amount. He was to pay eight times the just claim which he disallowed or unjust claim which he allowed. Convicts imprisoned in civil prisons if harassed, the officer concerned was fined. Similarly jailors who allowed the convict to escape were fined, middle fine for violence. Superintendent of prison-house was similarly fined for allowing movement of a prisoner or for torturing him as well.[3] The whole theory behind the punishment of guilty officers was "the king should first correct these officers who deal in money matters by means of punishment; and they being corrected should correct the citizens and the country people by means of punishment."[4] Thus *daṇḍa* was the basis of governments, the rod of punishment, which kept the officers and in turn the people loyal and dutiful to the king. Coercion was the bed-rock on which the structure of the Kauṭīlīyan state rested. The collector-general (*samāhārtā*—the Chief Secretary of the present days)[5] and the magistrates had first to keep in check heads of departments (*adhyakshas*) and their subordinate employees (*purushas*).[6] But the most important means to keep the government employees, high

---

[1] II. 5.16. The interpretation of the passage is controversial (Kangle, II. p. 85 note 16). This is at variance with IV. 9.2-8.

[2] IV. 9.1-10.

[3] II. 9.5.

[4] *Ibid.*, 10-12.

[5] *Ibid.*, 28.

---

1. IV.9. 12-13.
2. *Ibid.*, 14-16.
3. *Ibid.*, 17-23.
4. *Ibid.*, 28.
5. We are informed that the *Samāhārtā* employed agents (spies) in the guise of ascetics against many categories of people and also against heads of department (*adhyakshas*). Was the Collector-General (*Samāhārtā*), the head of Revenue department, an ex-office Chief-Secretary?
6. *Ibid.*, 1.

or low, in control and on their toes was espionage. The king had a Central Bureau of Espionage[1] which trained five kinds of spies in different disguises to espy over not only the citizens and the country people, the traders or artisans, but also over ministers, heads of departments or superintendents, judges, magistrates and other government officers.[2] The spies checked the report about the detailed village records prepared by the *gopa* or *sthānika*.[3] The Collector-General or Chief Administrator ascertained through spies the honesty or dishonesty of the heads of departments (*adhyaksha*)[4]. The *samāhārtā* was enjoined upon to check up the integrity of the village officers (*grāmāṇāmarrykshāṇām*).[5] The king's spies favoured with money and honour ascertained the integrity of the king's servants.[6] Even the king's wives and princes were espied upon.[7] Kauṭilya provided in king's daily routine of duties hearing of reports from secret agents in every first part of night.[8] Thus he kept watch over others through secret agents.[9] Informers (*sūcaka*) set upon by the king on government employees to detect defalcation of government revenue were given guarantee against reprisal by the officers concerned and were rewarded a part of the recovered defalcation amount by the officer concerned.[10] Of course-false information by 'informers' causing unnecessary harassment to the government employees was punishable with fines or corporal punishment.[11] King's spies received salary from 1000 to 2000 *paṇas* according to their ability or grade.[12]

---

1. I. 11.22.
2. I. 13.1.; I. 12-6.
3. II. 35.8.
4. *Ibid.*, 13.
5. IV.4.4. It should not mean heads of departments and village officers as Kangle thinks (Kangle Pt. II. p. 307). But in IV. 4.9. there is *grāmakūtamadhyaksham*. The meaning of *grāmakūṭam* is not clear, but he appears to be different from (*grāma-*) *adhyaksha* *Grāma-kūṭaka* accord- to Monier William's Sanskrit-English Dictionary means chief of a village belonging to a śūdra caste (OUP. New Edn. p. 373).
6. I. 11.22.
7. I. 17.1.
8. I. 19.18.
9. I. 21.29.
10. II. 8.29.
11. *Ibid.*, 31.
12. V. 3.22.

Another method to keep the officers on right track and to deter them from oppressing the people was a general proclamation that any one who was aggrieved against or wronged by an officer could communicate to the king his grievance against the officer, who was subsequenlty punished and the complainant compensated.[1]

The officers were punished with heavy fines, confiscation of ill-gotten wealth; transfer from one department to another was also ordered as a punishment to the guilty officer or officer suspected of guilt. Such officers also could face orders of transfer and even dismissal from service were forced to disgorge ill-earned wealth.[2] Then the government servants was kept on tender hooks being temporary on the posts for a long time, and only when it was established that such and such officers did not misappropriate or cause loss to king's wealth, rather they contributed to its increase, that they were made permanent (*bahumukhyamanityam cādhikāraṇam sthāpayet: na bhakshayanti ye twarthān nyāyato vardhayanti ca a nityādhikārāḥ kāryāste rājñaḥpriy ahiteratāḥ*).[3] Then there were officers to check other officers. Commissioners (*pradeshṭāṛaḥ*) appointed by the Collector-General checkedthe work of superintendents and other subordinates.[4] *Gopa's* work was checked by *sthānīka* and of the latter by *pradeshṭāraḥ* appointed by the *samāhārtā*.[5] Officers, who lived with conspicuous consumption spending all that they earned, or eating up the entire property inherited from their father, and such small officers, who lived very miserably were suitably reprimanded.[6] The idea behind this was that the government servants should live comfortably but should neither show ostentatious nor miserable living.[7] Then there was constant threat of royal inspection. Kauṭilya says that the king should constantly hold inspection of their (superintendents or *adhyakshas* of the grade of *amātyasampat*) works. He should be

---

1. II. 8.24-28.
2. II. 9.35.
3. *Ibid.* 31; 36.
4. IV. 3.1.
5. II. 35.7.
6. II.9. 10-11.
7. II.9. 20-24.

cognisant of the worker, the office, the place, the time, the work to be done, the outlay and the profit in the undertakings under the heads or superintendents of the department (*adhyaksha*).[1] Officers would sometimes quarrel among themselves or they could unite for some concerted action. Both these activities were severely dealt with by Kauṭilya who clearly stated that "Concerting together they might swallow up the fruits of the undertakings, querrelling they might ruin them."[2] They were denied any initiative in starting a venture without informing the king, excepting measures against calamities[3] which need not await royal approval.[4]

After taking all possible precautions against the contingencies of officers causing loss to the state treasury or the safety of the king and the kingdom, Kauṭilya provided for institution of different departments, directorates and institutes under different categories of officers for proper administration of the vast kingdom and for the regulation of the economic and other allied activities of the subjects with the view of augmenting the resources of the kingdom and ensuring complete protection to the king. For proper administration various departments with headquarters (*adhikaraṇa*) were constituted under superintendent or heads of departments (*adhyakshas*), many of whom were of *mahāmātra* or *amātyasampat* rank, assisted by a number of subordinates including technical personnel and scribes. There was the Superintendent and head of the department of Accounts (*akshapaṭalamadhyaksha*) who was to get built a proper Records-office with many halls and whose duty was to keep up-to-date the income from various departments (*adhīkaraṇānām*) and also their expenditure, and to prepare the accounts for proper audit. He had also to record the price, quality, the weight, etc., of the articles entered in the accounts' register and had to use spies to watch over the activities of his subordinates.[5] There was the head of the department of Treasury (*kośadhyaksha*) whose duty was to receive in the state treasury, jewels, articles of high value, articles of small value and forest produce. He was assisted by a body of

---

1. *Ibid*., 2, 4.
2. *Ibid*., 6 (*saṁhatā bhakshayeyuḥ, vigṛhītā Viñaśayeyuḥ*)
3. *Ibid*., 7.
4. *Ibid*.
5. **III**. 1-9.

experts for the proper examination of the valuable entries.[1] Then there was head of department of Mines (*ākārādhyaksha*) who was a highly technical expert in Geology and Metallurgy and was assisted by a number of experts in different branches of the subject. Mining of gold, bitumen, silver, copper, lead, tin (*trapu*), iron (*tīkshṇa*), mercury (*vaikrānta*), gems (*maṇi*) was carried on.[2] The head of metals department (*lohādhyaksha*),[3] established factories for the manufacture of articles of copper, lead, tin, mercury, brass (*arakūṭa*), vṛtta, bronze (*kaṅsa*), tāla and iron (*loha*) and also had to organise trade in metal-ware. Then there was the head of department of mint (*lakshaṇādhyaksha*)[4] responsible for the proper manufacture of metallic coins of different metals like silver, copper, iron (*tīkshṇa*), alloy with tin, lead, antimony (*añjana*).

The Superintendent or head of the department of mines (*khaṇyādhyaksha*)[5] had to establish factories for the manufacture of articles from conch-shell, diamonds, gems, pearls (*mukta*), coals (*pravāla*) and caustic (*kshāra*) and beverage and arrange for trade in these. Salt from many sources was obtained, and the Superintendent of salt[6] (*lavaṇādhyaksha*) was responsible for getting it crystallised and for selling it or giving to others for sale on common basis and also for fixing the price and rate of surcharge etc.[7] There was a separate department in-charge of preparation or regulation of manufacture of gold and other jewelleries under *suvarṇādhyaksha*.[8] There appears to have been a royal workshop built with great care for security. Mostly gold and silver articles were manufactured here. The Superintendent of the royal store-room (*koshṭhāgārādhyaksha*) was to see that articles in kind from various sources were properly stored in a wide-built and well protected store-house. Articles such as agricultural products brought from crownlands, fats, juices and fruits, sour-liquids, salt, dried fish and meat and vegetables were suitably stored. He had to

---

1. II. 11.
2. II. 12.
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. II. 13.

provide himself with implements like those for weighing and measuring, grinding, pounding, scathing, winnowing, and baskets, boxes and brooms. He should also employ watchmen, labourers, weighers, measurers, supervisors of delivery, receivers and slaves. He should also provide for bags, jars and wooden cases etc.[1] The head of department of trade (*paṇyādhyaksha*) was responsible for trade by land and water. He looked after both import and export trade,[2] and sale of royal goods in the country. The production of forest produce, setting up of manufactories for them was the responsibility of the head of the forest-department (*kūpyādhyaksha*) who had forest guards (*dravyavanapālas*) under him.[3]

The following groups of forest produce may be noted: trees of hard wood reeds, creepers, barks, or fibre plants, rope materials, leaves, flowers, poisons, skins, bones, teeth, horns of animals and birds and also metals like *kālāyasa* (Iron?), copper, steel (*vṛtta*), bronze, lead, tin, mercury (*vaikrānta*), brass (*kārakūṭa*). Arms and armour were in charge of head of armoury department (*āyudhāgārādhyaksha*).[4] He was in-charge of defence production and also storage. For regulating trade and markets, the weights and measures and balances were standardised. Their manufacture, regulation, supervision were put incharge of *pautavādhyakṣha*[5] Tke head of department in-charge of collecting tolls and custom duties (*śulkādhyaksha*)[6] had a large number of subordinate employees working in different toll-houses and taking suitable action against those who tried to defraud the state of the lawful dues or harm the interests of the consumers.

Textiles industry has been a very prominent industry of India from the remotest past, and the spinning of yarns and manufacture of different kinds of cloths was done in royal weaving factories placed under overall charge of the *sūtrādhyaksha* (weaving department).[7] The cultivation of crown-lands was done by the department of agriculture under *sītādhyaksha.*[1] Manufacture and trade of liquor products was managed by the excise department under the head of department of liquor (*surādhyaksha*).[2] Prostitution was a regulated profession patronised by the state and the *gaṇikādhyaksha* looked after this very lucrative department.[3] Animal slaughter-houses and sale of meat and fish were looked after by a separate department under *sūnādhyakṣha.*[4] *Nāvadhyaksha*, *go-adhyaksha*, *aśvādḥyaksha*, *hastyadhyaksha*, *rathādhyakasha*, and *pattyadhyaksha* were heads of boat-shipping, cattle, horses, elephants, chariots and infantry departments.[5] There was a separate passport department under *mudrādhyaksha*,[6] who issued passports, (*mudrās*) to persons coming into and going out of the kingdom. Agricultural prosperity very much depended on pastures and there was a 'separate department under *vivitādhyaksha* who also examined the sealed pasports.[7] There was head of a separate department *mānādhyaksha* who was in-charge of standardising use of units of time and space.[8]

---

[1] II. 15.
[2] II. 16.
[3] II. 17.
[4] II. 18.
[5] II. 19.
[6] II. 21.
[7] II. 23.

Besides these heads of departments (*adhyakshas*) we had Collector-General of Stores called *sannidhātā* and the Collector-General of Revenue called *samāhārtā*,[9] who appears to be the chief of Revenue department and also chief administrator. There was also the *saṁsthādhyaksha*[10] (head of department of markets). His work appears to be quite similar to that of *paṇyādhyaksha.* Then there was a department under *devatādhyaksha*[11] to look after the property of temples. The *dyutādhyaksha*[12] regulated gambling and collected king's share. The *nāgaraka*-was the capital-city mayor responsible for the administration of the *nagara* with the help of *gopas* and *sthānikas*.[13] Thus there appear to be in all 36 heads of department including the *sanni-*

---

[1] II. 24.
[2] II. 25.
[3] II. 27.
[4] II. 26.
[5] II. 28; 29; 30; 32; 33.
[6] II. 34.
[7] *Ibid.* 5-6.
[8] II. 20.
[9] II. 5. II.6.
[10] IV. 2-1.
[11] V. 2. 38.
[12] III. 20.
[13] II. 36.

dhātā, *samāhārtā* and *nāgaraka*. However Kauṭilya refers to 18 *tīrthas* of high officers who appear to be enumerated earlier.[1] They are ministers, chief priests, commander-in-chief, crown-prince, chief-porter of the king or usher of the palace, *antarvaṁsika* is the officer-in-charge of the harem (inner palace establishment); comparable to *stryādhyaksha mahāmatras* of Aśoka's inscription (RE. XII). Chief of the palace-guards, collector-general, chief of the stores, the magistrates, commandants, city judges (Kangle takes him to be *nāgaraka*, but *nagaravyavahārika* is referred to in Aśokan inscriptions), director of factories, the chairman of the *mantriparishad* (Kangle takes reference to this in RE. II to mean members of the *mantriparishad* and *adhyakshas* or heads of departments separately). But from the Aśokan inscription it is clear that *mantriparishad* could meet without the king (RE VI); and so a president or chairman for the *mantriparishad* cannot be ruled out. He may be in-charge of the department of the, *mantriparishad*, prepare the agenda etc., and issue notices for the meeting of the council of ministers. Commandant of the fort, administrative board, and forest officers, these total eighteen.

It is clear that there were many other officers of importance besides these. It is significant that *yuvarāja*, the *purohita* and the *mantrin* are mentioned as high officials or *tīrtha*. Actually there could be more than one *mantrin* and so similarly nāyaka, *Pradesṭā* and *Praśāstṛ*. So these tīrthas may be actually just a conventional idea said to total 18. However out of these we have the following mentioned as receiving salary (*mantri*, *purohita*, *senāpati*, *yuvarāja* (in the same order) receiving 48 thousand *paṇas*, *dauvārika*, *antarvaṁśika*, *prasāstṛ*, *samāhartṛ*, *sannidhātr*, receiving 24000 *paṇas*; *nāyaka*, *pauravyavahārika*, *kārmāntika*, *antapāla*, 12000 *paṇas*, *pradeshṭrā* 8000 *paṇas*. Only *mantriparishadadhyaksha*[2] (president of the *mantriparishad*) *daṇḍadurga*, and āṭavika are not mentioned in the list of salary-receiving persons. *Mantriparishad* (members of the council of minis-

---

1. I.12.20. I.12.6. *Mantri*, *purohita*, *senāpati*, *yuvarāja*, *dauvārika*, *antarvaṁśika*, *prasāstṛ*, *samāhartṛ*, *sannidhātṛ*, *pradeshṭṛ*, *nāyaka*, *pauravyavahārika*, *kārmāntika*, *mantriparishad adhyaksha*, *daṇḍadurga*, *antapāla and āṭavika*.
2. It may be that the Chairman of the Council of ministers was just one of the ministers (*mantrins*) who might have presided by rotation.

ters) are mentioned as receiving 12000 *paṇas*. *Praśāstṛ* is a much more important officer than *pradeshṭā*. Besides these there were judges of civil courts (*dharmasthīyas*) and magistrates (*Pradeshṭāraḥ*) of the magisterial and police courts. Kauṭilya also refers to *mukhyas*. While *śreṇīmukhya* or *hasťyāśvarathamukhyaḥ*[1] may be understood as heads of guilds or commanders of the elephants, cavalry and chariot troops, *mukhyas*[2] as other high civil officers are certainly meant to be principal officers who hold the king in power, and whose treasonable activities are to be punished by diverse secret means, even by taking recourse to poisoning them. *Mahāmātras* are also referred to. How are they to be placed in relation to the *adhyakshas*? *Mukhya* may be taken to be such *adhyakshas* who were of therank of the *amātya-sampat* or *mantrins*. Mahāmātra appears to be the general cadre of imperial civil service from which the different heads of departments or principal officers (*mukhyas*) were recruited. It is to be noted that all the *adhyakshas* were not of the same rank, and certainly did not receive equal salary. While the *Sannidhātā* and *Samāhārtā* received 24000 *paṇas*, the superintendent of department of infantry, chariots, cavalry and elephants received four thousand *paṇas* like the elephant and material forestś officers, and other heads of departments (*sarvādhyakshas*) received only 1000 *paṇas*, like the soothsayers, astrologer, palmist, *pauṛāṇika* and *māghdhas*.[3] *Yukta*, *upāyukta* and *purushas* appear to be different cadres of junior officers. *Purushas* are paid 1000 *paṇas* as salary.[4] The salaries to officers of different grades were fixed in the belief that the wages so offered would make them insusceptible to instigations and disinclined for revolt, or make them efficient in their work or keep them in strengthening the entourage of the master, or help them to carry their subordinates with them.[5] Kauṭilya refers to *yuktas*, *upayuktas* and *purushas* in all departments.[6]

---

1. V. 3.
2. V. 1.2.
3. V. 3,
4. V. 3.
5. V. 3.4.6,8,9.
6. II. 5.16,

They appear to be minor government officers.[1] *Yukta* and *purushas* are referred to in the Aśokan inscriptions also (RE. I & IV). The status and importance of the *purushas* in the time of Aśoka appears to be much higher.[2] Similarly Kauṭilya refers to *gūḍhapurushas* and *satriṇs*, two classes of government secret agents.[3] In Aśokan inscriptions there is no reference to *gūḍhapurushas* or *sattriṇs* though *prativedaka*, reporters, are referred to. There were police officers (*cորararajjyukas*), land settlement officers (*rajjuka*),[4] *grāmika* (village headman), *grāmabhṛtaka* (village servants) and other low class government employees. *Pauravyavahārika* of the Arthaśāstra was city-judge comparable to *nagaravyavahārika* of Aśoka's time.[5] Antapāla of the Arthaśāstra was in-charge of the borders, and would check movement on roads. He could be equated with *antamahāmātras* of Aśoka's inscriptions.[6] So we find rather an army of salary-paid government employees also enjoying special privileges and monetary concessions on certain occasions or eventualities. In all $\frac{1}{4}$ of the revenues or, if necessary even more of the state was set apart for expenditure on establishment.[7] This is excessive in the context of modern governments' expenditure on establishment.

Such a civil service designed to organise judicious exploitation of the total human and material resources of the dominion in the interests of the sovereign and for security of the dominion was necessarily large and expensive. In later period while the power for good or evil of the government servants continued their scope of creative activities never approached that of the Kauṭilīyan civil service. In many ways the organisation of the civil service by Kauṭilya has many lessons even for the present.

[1] *Yuktas* appear to have been generally employed in revenue and accounts department where temptation for defalcation was easy and therefore control over *yuktas* (*yuktapratishedha*) was recommended to resolve argument (II.8.3).

[2] PE I, IV & VI.

[3] I. 11.1. *gūḍhapurushas* appear to be of higher rank than the *sattrin*. *Sattrin* was a secret informer while *gūḍhapurusha* was, probably, an officer.

[4] I. 12.6; V. 3.7, KRE II.

[5] I.12.6; PE.I.

[6] I.12.6; P.E.I.

[7] V. 3.1. durgajanatadaśaktyā bhṛtyakaṛma samudayapāden sthāpayet, kāryasādhanasahena vā bhṛtyalābhen.

However, it will not be out of place to indicate the weakness of this highly centralised system. The provision for constant espionage over all grades of government servants from the *mantri* to the *gopa* was bound to keep the employees under strain and nervousness. A civil service, entrusted with the gigantic task of governing the vast empire in the real sense of the term and with the duties of carrying out on large scale constructional and welfare activities, suffering from the *one* permanent fear of being suspected all through could hardly exercise initiative and sense of dedication in discharge of onerous responsibilites, and this must have affected the quality of administration and quantum of achievement and formation of plans. As a matter of fact the distrust was so obvious and all pervading that except in periods of calamities it was actually desired that the officers will not show any initiative in starting any work without the previous sanction of the king.

Another point worth noting is that this type of civil service—large and controlling all citizens' life—is not met with earlier and later in ancient India. There appears to be good grounds of suspicion that it was inspired by the Achaemenian example with which India came into direct contact in 6th century B.C., and continued to be influenced in later period—the Mauryan period particularly in many ways. It is likely that the foreign model was not yet assimilated into the Indian traditions of the art of government. The highly centralised system with all powers of control and initiative in the king's hands could become aggressive and Kauṭilya at many places apprehends the oppression of the people, their harassment at the hands of the government employees. The institution of net-work of espionage over them could have been devised to prevent such misuse of powers by the civil servants, but the remedy could have been worse than the disease.

4

FOOD AND AGRICULTURE

ARTHAŚĀSTRA contains many chapters which throw very interesting light on the food and agriculture policies of the state. The extensive Mauryan empire depended for its existence on a large standing army vouchsafed by classical writers. Together with the problem of maintaining the huge army, the demands of the growing bureaucracy, professional classes, craftsmen, masons, architects, and others who were paid in cash, necessitated assurance of large food surplus. The Kauṭilīyan state in view of the situation naturally evolved a policy to control and direct agricultural activities in such a way as to ensure production of more and more surplus food and also to see that the greater part of the surplus could be brought under government control. Thus the twin motives of state policy were firstly to help in larger and larger production of food, and secondly to mop out a very substantial part of that surplus for the imperial interests. Planning is held by many scholars to be one of the effects of Soviet Impact, but a critical study of the *Arthaśāstra* appears to suggest that the state in ancient India believed in planning: the agriculture policy was based on an investigation of the resources and liabilities of villages. This was essential for a state dedicated not only to the cause of social and economic welfare of the populace in general, but also for a government which wanted to have complete data about the rural resources with a view to chalk out programmes of action for development, particularly when land was the main source of income to the state.

The *gopa* or village-accountant, in-charge of five or ten villages, had to prepare a complete census of man and resources including cultivated and uncultivated lands, uplands and lowlands, vegetable or fruit gardens, forest lands, temples of god, irrigation works, feeding houses, places of pilgrimage, free drinking water distribution centers, pasture grounds and roads. He also maintained registers of gifts, sale and charities, remissions of taxes and loans advanced, and of uncultivable lands. He was also to compile census lists of dwelling houses and families under various specified heads such as taxpaying or nonpaying, caste and *gotra*, professional groups like cultivators, artisans, merchants, labourers and slaves, of young and old men, sex, history, profession, income and expenditure. The *gopa* would also count the two-footed and four-footed creatures in the area.[1] The foregoing list would convince all how thorough was the census, and on the basis of the census of total human and natural resources so prepared, the state could assess revenues from land and also carry on a planned and comprehensive land policy which would augment the revenues of the state and also enrich the cultivators, and thus increase the national wealth of the country. Above the *gopa* stands the *sthānika* (Circle Officer) who is required to superintend his charge (1/4 of the division) in the same manner as the *gopa*. So he also prepared (or rather supervised preparation of similar registers.) At the top of all was the Collector-General (*Sāmāhārtā*). In the register prepared under his supervision, villages were recorded as best, middling and lowest. There appear to have been villages free from taxes, villages liable for military service alone, and tax paying villages, villages paying taxes partly in kind and in cash [2] It is significant to note that there were entire villages, whose revenues could be appropriated by the śrotriya Brāhmaṇas alone, or such other villages which supplied soldiers to the army and thus escaped taxation in liue of personal service offered by the villagers to the army. This smacks of a feudal trait—a group of people bound to the king by military service, like knights of the Medieval Europe. Śrotriya Brāhmaṇas even when living in tax-paying villages were exempt from paying taxes.

Some features of the state agricultural policy in the *Arthaśāstra* may be gathered from its description of the method of settling a *janapada*.[3] Though the chapter directly deals with

---

1. II. 35. 3-5.
2. *Ibid.*, 1.
3. II. 1.

newly set-up village settlements by royal initiative, there are many features which apply to the general rural development programme and policy. The need for growing population and still more of non-food producing sections of the people in view of industrial and military growth necessitated bringing more and more land under plough for more and more food and revenues. The improved technology based on iron and guided by a powerful central bureaucracy could progressively reclaim more and more lands for agricultural purposes. The state which had before it a fairly comprehensive data of food resources could think and plan ahead and settle on newly reclaimed lands cultivators who were surplus in other places or were immigrants from outside. It is remarkable that Kauṭilya a staunch believer in the Varṇa system would prefer colonising the newly set-up villages by mostly Śūdra cultivators[1] rather than the Vaiśyas probably because the former were hardiers to work on reclaimed or to the reclaimable lands. These villages grew in a planned way; even the population was to lie between 100 and 500 families. Their boundaries were demarcated and the area determined. The Śūdra families of hard working cultivators were settled in the villages so established. It was something like giving land to the landless. Members of useful professional classes of population were granted lands in the village. The priests, the learned in the Vedas, and teachers were granted lands yielding sufficient produce and exempted from taxes and fines. Superintendents, accountants, *gopas*, *sthānikas*, veterinary-surgeons, physicians, horse-trainers and others were granted lands without rights of sale or alienation.[2] In the list of officers[3] drawing cash salary most of the above mentioned officers are included. It may be suggested that these officers who received lands in the state-colonised villages were retired hands, and in return for lands granted they performed various social services in the villages. But if it means that salary-paid government servants were also given lands in the newly set-up villages, then another feudal tract can be discerned here. It may be that such useful officers were given special incentives for settling in newly set-up villages which must have in the beginning lacked many facilities.

---

[1] II. 1.2.
[2] II. 1.7.
[3] V.3.

Cultivated lands in the state were divided into two classes—(1) crown-lands (ii) private lands. Crown lands (Sītā) were under awell-educated and scientifically trained Director of Agriculture assisted by trained personnel.[1] His duty was to get collected in timethe seeds of all kinds of grains, flowers, fruits, vegetables, bulbous roots, roots, *pallikya* (creeper fruits ?), fibre-producing plants (flax) and cotton. It was his duty to sow these seeds in lands ploughed many times with the help of slaves, hired labourers and by persons paying off their fines by personal labour on crown lands. Agricultural operations were complex depending on their successful execution on a variety of factors. Not only actual tillers of the soil but also artisans, smiths and carpenters were to be kept ready at hand to repair the implements which were to be provided for agricultural purposes. Bullocks (to be yoked), ploughs, basket makers to provide baskets for carrying the seeds to be sown, and (as in the fields snakes would be dangerous) even services of snake catchers were to be made available at the time. While the private landowners must have provided for these human and other resources ready at hand at the time of sowing the seeds, officials of the department of agriculture were actually fined if, worker in the crown-fields suffered because of negligence in providing these contingencies before hand.[2] It was therefore required that the Director provided ploughs and other necessary implements including ploughing machines (*karshaṇayantra*)[3] or bullocks, and made available the services of blacksmiths, carpenters and ropemakers for timely help. Taking into account the amount and distribution of rainfall, he caused to be sown rice crops (*vṛhi* and *śāli*), *kodrava* (a poor manś diet), *sisamum* (*tila*), *priyañgu udāraka*, *varaka*, *mudga* (*muñga*), *māsha* (beams), *siambya* (leguminous plant, pulse) *kusumbha* (saffron), *masūra* (a kind of pulses), *kulatṭha* (a kind of pulse), *yava* (barley), *godhūma* (wheat), *kalāya* (a sort of pea or pulse), *atasi* (linseed), *sasharpa* (mustard).[4] Fruit and vegetable gardens are also envisaged, though no details about their kinds are mentioned. Sugarcane (*ikshu*) cultivation[5] is referred to, though it is recognised that its cultivation (as to-day) is *fraught* with many

---

1. II. 24.1.
2. *Ibid.*, 2-4.
3. *Karshaṇayantra.* Does it mean some mechanical ploughing implement?
4. *Ibid.*, 12-13.
5. *Ibid.*, 21.

obstacles and is costly. Sugar products like sugarcane juice, treacle, granulated and unrefined sugar were manufactured.[1] Honey made by grapes and by bees was used. Fermented juices of jambu fruit, *paṇasa* fruit (bread fruit) after fermentation mixed with *cidbhiṭa*, *urvāruka*, sugarcane stalk, mango-fruit and myrobalan or unmixed with these were made available.[2] Mango, jambu grapes, pomegranate, myrobalan, tamarind, *karamarda* (pertainting to bamboo?), *citron*, *kola*, *badara*, *sauvīraka*, *parūshaka* and other sour-fruits and their juices are referred to.[3] Curds, sour-gruel, and other sour liquids also formed a part of food. Spices like long pepper, black papper, ginger, cuminseed, bitter *kirāta*, white mustard, *coraka*, (a sticky plant), *damanaka*, *maruvaka*, stalks of *śigru* were spices appear to have been used to make the food tasteful. Spices were important items of exports in later times. Non-vegetarian diet as dried fish and dried meat were also stored.[4] Fresh meat and fish must have been used. Aśoka had banned killing of animals for royal kitchen and had regulated fishing. The above mentioned facts suggest the variety of diet of the people, though there is no indication as to what could be afforded by the poorer sections of the people.

Agricultural operations, besides ploughing and sowing, mentioned by Kauṭilya include harvesting, threshing, piling of heaps of harvested crops,[5] pounding, splitting, rubbing mortar, fermenting, grinding, oil-pressing and frying were necessary.[6] Among implements, weighing scales, storage jars, grinding-stones, pestle and mortar, pounding and crushing machines (*ulukhala*, kuṭṭaka), scatterer (*patraka*), winnowing basket (sūrpa), sieve (*cālanika*), bamboo or cane basket for holding grains (*kaṇḍali*), boxes for storing grains (*piṭaka*) and brooms for cleaning the threshing floors. In agricultural operations besides the actual cultivators, tillers and plough-men, sweepers, watchmen, weigher (*dharaka*), measurer (*māyaka*), supervisor of measuring (*māpaka*), giver of the share

---

1. II. 15.17.
2. *Ibid.*, 16-17.
3. *Ibid.* 18.
4. *Ibid.*, 21.
5. II. 24. 31-33. Kauṭilya gives instructions how to make heaps of harvested crops.
6. II. 15.8.

(*dāyaka*), supervisor of delivery (*dāpaka*), receiver of tallies (*śalākāpartigrāhaka*),[1] slaves (*dāsa*), hired labourers (*karmakara*) and forced labourers (*vishti*), meaning persons who were forced to do compulsory labour (may be as bound by a bond or like serfs maintained by the owner of the cultivated land). Such bonded labourers and slaves appear to have been given only broken grains (*kaṇikāḥ*) in form of wages.[2] This may appear to suggest that compared to the rations for even animals, that of the slaves and hired labourers were not better and they were exploited on very meagre remuneration.[3] We do not find any mention of these in the list of salary-earning people.[4] The contractors of labourers or forced labourers (*vishtibandhakāḥ*) received a salary of 60 *paṇas*.[5] This shows the existence of a system, resembling that of labour-contractors, employed by government on salary. Watchmen, slaves, hired labourers working on state farms received food for their entire family members (non-working members, of course) besides each receiving 1¼ *paṇas* a month.[6] Kauṭilya envisages payment in some cases both in cash and in kind. It is stated that he (the king) should fix different amounts of food and wages for servants etc. One *āḍhaka* of food was fixed for a servant receiving 60 *paṇas* as salary.[7] Added with the food-rations for the family, the meagre cash must have been for purchasing other essential articles like cloth etc. The condition of the agricultural labourers if on crown-lands was so pitiable, their lot on private farms can be better imagined.

Agriculture depended on rains, irrigation facilities and manure. Kauṭilya appears to have an idea of the average amount of rainfall in different parts of the country, and the unpredictable nature of the distribution of rainfall in some regions in some years. He has his own idea as to what kind of rainfall distribution

---

1. *Ibid.*, 62-63.
2. II. 15.61.
3. *Ibid.*, 51-61,
4. V. 3.
5. V. 3.17.
6. II. 24.28.
7. V. 3.17, 34. Probably on payment of ration, the cash salary was accordingly reduced as appears to be substantiated from II.24.28.

is best, middle and low for agriculture operations and also what kinds of crops would grow best in area with particular amount of rainfall. So much depended on rain clouds that the position of the *nakshtras* was studied and on the availability of water, wet crops or summer crops were to be sown.[1] Seeds were to be well treated, soaked in dew by night and dried by day for a number of days for particular variety of seeds, sowed, and such prepared seeds were to be sown in the fields. Seeds of cotton and slough of a serpent were burnt so that its smoke would scare away serpents from the fields. Manuring with ghee, honey, pig's fat, cowdung and acrid fish was known.[2]

Reclamation of land for agricultural use was undertaken by the state in a big way and persons were encouraged to take part in this venture by offers of economic incentives. Lands prepared by the state were given to tax-payers for life.[3] This ensured the state the freedom to allot it to more enthusiastic cultivators later if necessary. Cultivators preparing unavailable lands for cultivation by their own resources were allowed to retain them, with right to inheritance. Perhaps in our opinion reclamation of waste lands or bringing into cultivation uncultivable lands—the right policy of the state to increase its agriculture production—may by such a policy be very much expedited. One of the worst features that impairs production is that some cultivable lands are in the hands of those who for one reason or another (generally for pure selfish reasons or due to lack of interest and resources) neglect cultivation. The Kauṭilīyan state could not tolerate this state of affairs, certainly in government-settled villages, and it confiscated lands from such who did not cultivate them and gave these lands to others or got them cultivated by village servants (*grāmabhṛtaka*), while they who were given lands to cultivate did not cultivate, had to recompense the government for loss in production.[4]

To help these cultivators on reclaimed lands the state granted numerous remissions and favours. If cultivators paid their taxes

---

1. II. 24. 6-11.
2. *Ibid.*, 24-25.
3. II. 1.9.
4. *Ibid.*, 10-12.

easily, they might be favourably supplied with grains, cattle and money as loan which they would return at their convenience.[1] On the occasion of opening new settlements or on any other emergent occasions, remissions of taxer were made.[2] Those who were favoured with remission of taxes were not to be treated with pity and ridicule, but fatherly kindness was shown to those who had passed the period of remission of taxes.[3] Regions overrun by enemy troops or oppressed by foresters, diseases and famines were exempted from tax.[4] The state protected agriculture from the molestation of oppressive fines or opposition from free labourers and vagaries of tax collectors. The government protected the herds of cattle from thieves, tigers, poisonous snake and cattle-diseases.[5] The government cleared roads of traffic from the molestations of courtiers, of workmen, of nobles and of boundry guards.[6] It is obvious that these subordinate officers resorted to vexatious means for illegal gratification from poor farmers who were taking their hard-earned produce by road to markets. State provided river and road-transport facilities to the villagers and set up markets[7] for purchase of necessities and disposal of surplus. This assured the cultivators of easy and fair deal. The interest of the cultivator as a seller of agricultural produce was safeguarded by repression of traders who try to lower agricultural prices by combination. The state also fixed fair prices of agricultural produce at frequent intervals as circumstances arose.

The state took other active steps for increasing food production, and encouraged private adventure to colonies waste lands by supplying them with grains and cattle, and by purchasing the produce left after deducting for seeds and subsistance. Thus the state and private enterprise with state help worked hand in hand in reclaiming waste lands and making them fit for cultivation. Agriculture much depended on cattle and forests. The government offered facilities for cattle breeding. The state in ancient

---

1. *Ibid.*, 13-14.
2. *Ibid.*, 17.
3. *Ibid.*, 18.
4. *Ibid.*, 36.
5. *Ibid.*, 37.
6. *Ibid.*, 38.
7. II. 1.19.

times, took keen interest in assuring better stock of cattle, by maintaining good bulls in numerous state farms, to be made available easily to the villagers, and it also took precautions against cattle diseases. It was the duty of the king to make provision for pasture grounds on uncultivable lands.[1]

Irrigation and production of food go together, and the state was quite alive to its duty of providing irrigation facilities. The state farms or crown-lands were provided irrigation facilities by tank, wells or by canal from rivers. Water could be lifted to the field by hand (*karinga* as today), by channels from canals, by bullock power, by shoulders or by a mechanical device[2] and cultivators for their lands could use these facilities on payment of irrigation-tax at varying rates. It has been suggested that even when the irrigation facilities were provided by the farmers themselves they had to pay irrigation tax to the king as he was the owner of all water and lands.[3] But the state's duty did not cease with this alone. The state in the newly set-up villages had to construct reservoirs filled with water from natural sources available in the area or by bringing water from some other place. Besides construction of irrigation canals or reservoirs by state-enterprise, the state helped those, who voluntarily constructed reservoirs, by providing them with sites, roads, timber implements and other facilities. The state also encouraged cooperative adventures of villagers in constructing reservoirs for common benefit.[4] Kaśyapa, Prajāpati and Sītā and God of rain were to be invoked at the time of first sowing.[5] Favour of gods in view of unpredictability of primitive agriculture was naturally sought.

A co-villager who stayed away from any kind of cooperative construction decided upon by the village community had to send his servants and bullocks, but could claim no profit from the venture.[6] Thus indirect compulsion was used by the state to further cooperative undertakings in the villages for common good.

---

[1] II. 2.1.
[2] II. 24.18.
[3] Kangle, *op-cit*. II. note 18, p. 178.
[4] II.1. 20-22.
[5] II. 24.27.
[6] II. 1. 22-23.

Sometimes it becomes necessary to use pressure on the people for doing good to themselves. One of the most serious problems facing us today is how to provide irrigation facilities to repair old *āhars* and to build new ones and to ensure that they remain in order. The kauṭilyan state had a complete list of reservoirs, old or new or repaired, in every village,[1] and therefore could follow a planned policy of constructing new reservoirs where necessary and repairing old ones, by direct state enterprise or by encouraging laudable private ventures or by helping cooperative undertakings. The state ensured that the reservoirs remained in order throughout. A direct proof of the active interest taken by the Mauryan kings in providing irrigational facilities is the Girnar Rock-Edict wherein we learn that in Saurāshṭra Sudarśana Lake was constructed by the governor of Candragupta Maurya and then repaired by the governor of Aśoka. Safety of dams and reserviors was assured, and anyone guilty of breaking a dam holding water was sentenced to death by drowning,[2] and even damaging a ruined or abandoned dam was punishable with fines.[3] Besides the state-owned reservoirs there were privately constructed irrigational works which the owner could let his neighbours use on such payment as arranged between them.[4] Private enterprise in constructing irrigation works was encouraged by the state.[5] Exemption from taxes (water-taxes perhaps) for five years was granted for constructing new work, for four years for repairing old ones, for three years for cleaning the reservoirs of weeds and for two years for irrigating dry lands. Much of this work on a gigantic scale was possible only with the help of the labourers, and therefore the king had to enforce strict discipline on slaves, pledges who constituted the large chunk of labour force.[6] If owners neglected maintenance of their reservoirs for five years or made no use of it, their ownership ceased.[7]

---

1. II. 35.2.
2. IV. II. 17.
3. III. 9.38.
4. III. 9.35.
5. III. 9.33.
6. II. 1.25.
7. III. 9.32.

The moral and social condition in the villages did not play an insignificant part in affecting agriculture while the state's dominant interest was more and more production. With this end in view and to relieve the food-producing community of the burden of maintaining non-producing sectors of the village, particularly in one, which was being set-up by state enterprise, the king took upon himself the responsibility of maintaining helpless people who were burden on the village community. It was the responsibility of the king to provide for the orphans, the aged, the infirm, the afflicted, and the helpless with maintenance, and to provide subsistence to helpless women when they were carrying, and also to the children, they gave birth to.[1] This, while relieving the hardworking cultivators from maintaining non-producing classes, prevented social anarchy in the country, and assured more production. The state by this measure partook of the nature of a social welfare state. But was this confined only to newly set up villages?

In those days many protestant religious movements like Buddhism and Jainism etc. were inviting able bodied youngmen and women to embrace monastic orders, and this deprived agriculture and other productive concerns of available man-power. This was bound to affect adversely production of food ultimately, and create confusion in the village life. Kauṭilya recommends punishment with fine to any capable person who neglects to maintain his mother, child, wife, father, minor, sisters, or widowed girls in his family, and any able-bodied person who embraces ascetism without providing for the maintenance of his wife and sons was heavily punished.[2] Villagers are generally very simple folk, and should entertain themselves only by simple amusements without neglecting agricultural operations. But they may be often exploited by clever and interested parties from outside who provide many sorts of amusements to them which are expensive long and so, injurious to the cause of cultivation. The villagers, particularly agriculture, needed protection from such outside inflictions. Kauṭilya banned the entry of any guild other than

1. II. 1.26.
2. *Ibid.*, 28-29.

local-cooperative guilds, entry of any company other than of local birth and entry of any ascetics other than of the *Vānaprastha*, In villages there were to be no permanent building intended for sports and plays. Nor with a view to procure money, free labour accommodation or grains, the actors, dancers, singers, drummers, buffoons and bards (presumably from outside) were allowed to make any disturbance to the work of the villagers,[1] "for helpless villagers are always dependent and bent upon their fields." But this does not mean no entertainment. Kauṭilya provided for simple and innocent amusements, such as dances and dramatic performances in villages to be organised by the village community itself and everyone had to contribute his own share in such common amusements.[2] So the lighter side of the village-life was not neglected. Flower gardens and parks added to the charm of the villages, and fruit gardens and fish in lakes provided variety in and additional nourishing and balanced diet.

Any government's ability is proved by the measures it adopts to face emergencies, man-made or natural. War and natural calamities like floods and famines sometimes overwhelmed by the country in the past as today and the state knew how to meet such a challenge. It was one of the rules of warfare that standing crops will not be destroyed by the march of the armies. As permanent standing army was maintained there was no need to draft agriculturists into the army at any time of war. During floods, the state expected the villagers to remove themselves to the up country, and any person who showed lack of social conscience and neglected rescuing the helpless was fined.[3] A more serious menace was drought and consequent famines. People were then quite superstitious and god-fearing. So Kauṭilya recommends worship to Indra, Gaṅgā, mountain and and Mahākaccha during draught, and experts in sacred magic and mysticism and persons learned in the Vedas were to perform sacrifices to the deities against rains during floods.[4] But this was not the end and be all of state's activities. The state took positive and concrete steps to fight floods and famine.

---

[1] *Ibid.*, 32-35.

[2] III. 10. 37-38

[3] IV. 3. 6-9.

[4] *Ibid.* 12, 11.

During floods, boats and wooden planks were kept ready to rescue flood stricken people.[1] The state distributed food and seeds to the needy. To maintain purchasing power of the people and to assure employment to agriculturists, public works such as construction or repairs of forts or water-works were started as measures of relief, and also permanent measures were taken to ward off such calamity in future. People working on such hard-manual schemes were supplied food. The government distributed the freely collected grains in royal stores to the poor people. Stores capable of being used over a number of years were built to store grains and other edible stuff as fats, sugars, salts, dried vegetables besides medicines, fodder etc.[2] Old stocks were to be replaced with new.[3] The Arthaśāstra explicitly directs the king to earmark half the store collected by him as an insurance fund against calamities.[4] This is strikingly corroborated by the Sahgaura Copper-plate inscription found in village Bansgaon, six miles west of Sahgaura in the Gorakhpur district (U.P.). The inscription is not far removed from the Mauryan period. From this inscription we learn that at the junction of two main roads two store houses were kept ready filled with wheat and fodder, and loads of laddles, canopies, yoke-pairs and ropes to be used in times of urgent need like warding off famines etc. Thus the distribution of food and fodder and provision of shelter to the destitute, men and cattle, in times of economic distress were arranged. In times of emergency (*āpaddharma*) in the interest of increased production and assured distribution of food and other relief to the needy the goverment adopted many measures.

The cultivators of irrigated land of moderate size and above were to pay $\frac{1}{3}$ or $\frac{1}{4}$ of their total produce as compulsory levies to the government.[5] $\frac{1}{4}$ of the harvested crops were compulsorily

---

1. *Ibid*. 6-7.
2. II. 4.27.
3. II. 15.23.
4. *Ibid*. 22.
5. V.2.2.

purchased by the state,[1] with a view to increase stock in the government godowns and for distributing among the needy. To avoid these deliveries some cultivators neglected production after preparing the fields and then deducting from such twice the quantity of the seeds. To escape proper levy and benevolences (*praṇaya*) a cultivator often concealed his grains. In such a case he was fined eight times the amount in each case. It is something like modern method of levy and compulsory purchase of grains and fines in lieu of default. Cultivators were therefore naturally forbidden to take away the ripe and unripe crops from the fields before the king's proportionate demand to meet to the crisis was assessed and met. As there was total survey of cultivable land and the government distributed seeds in emergencies, it was quite easy for the government to make a workable estimate of the likely total production, and assess the total shares of the state. In emergencies when the state treasury was empty, the state's share on irrigated land was raised to ¼ instead of usual 1/6 of the produce, and similarly the share of the state over wild produce, cotton, silk, lac, wool, meat, fish, fruits was raised. To assure state's share no one was allowed to sell these without licence.[2]

In extreme situation Kauṭilya recommends the state to seek help from foreign countries.[3] Grains could be begged or borrowed with promise to repay. To lessen the severity of the scarcity of cereals due to famine, the state organised hunting of animals, birds and fish to provide substitute food to the people.[4] The government also actively helped the people in raising a second crop, in growing green vegetables, roots and fruits wherever water is available,[5] and encouraged in the development of fisheries. The brief enumeration of the activites of the state during the famine caused by floods and draught would at once reveal how thorough were the measures to be adopted by the state and almost all suggestions that have been made these days to fight the grave food crisis were recommended by Kauṭilya about 2300 years ago.

[1] *Ibid.*, 5.
[2] *Ibid.*, 14-15.
[3] IV. 3.18.
[4] *Ibid.*, 20.
[5] V. 2.8-9.

During such national calamities the state did not show any softness to the rich cultivators, traders or blackmarketeers and all conceivable steps were taken to save human life. Special preacutions were taken against cattle diseases.[1] Rats, snakes and wild animals are great nuisance to the villagers, and Kauṭilya recommends measures to check their menace[2] as well as against outbreak of fire and epidemics.[3] It may not be here out of place to mention that the state was much interested in agriculture as revenue from land was the mainstay of the state finance. Besides profits from crown-lands, the state normally took 1/6 of the produce from land as its share, and during financial emergencies the state's share was raised to $\frac{1}{4}$ or $\frac{1}{3}$. But it is also significant to bear in mind that Kauṭilya contemplated different scales of rates for different classes of soils or crops. In the register prepared by *gopa*, villages presumably on the basis of production were divided into best, middling and lowest, and then again in each village cultivated and uncultivated and upland and lowland (*kedāra*) were to be entered separately and this may suggest that they were assessed differently.[4] During financial crisis unhusked grain of the crop on rich soil not dependent on rain water alone were to be assessed at $\frac{1}{3}$ or $\frac{1}{4}$; that state's shares of grain from poorer soils were differently assessed may be reasonably presumed. Remission of taxes was granted to cultivators in times of draught, and cultivators who paid taxes regularly and easily were favourably supplied with grains, cattle and money. The basis of granting favours (*anugraha*) to the tax-paying cultivators was that in the long run these favours should increase rather than deplete the treasury. From the nature of the enquiry that the *gopa* was to make, it is clear that the individual farmer was assessed on the basis of his individual holdings, lands and house.

Thus the state in ancient India followed a thorough and well-developed agriculture policy which may, even now in many ways be an envy to the modern governments. The success of the policy

---

1. IV. 3.16.
2. *Ibid.* 21, 28-38.
3. *Ibid.* 3-5, 13-14.
4. II. 35. 1-3.

very much depended on corporate spirit and social conscience of the villagers. Kauṭilya encouraged and rather compelled corporate activities by the villagers.

In the time of Kauṭilya elders among the villagers were to maintain and improve the property of the minors till the latter attained their age, and also of the property of the gods.[1] Corporate activities were forced by the state on villagers not only for building reservoirs but also for organising a public show. Kauṭilya says that any person who does not cooperate in the work of preparation for a public show shall together with his family forfeit the right to enjoy the show. Obstructing such a show, or trying to see it illegally was punishable with fine.[2] But those who with their united efforts construct along the roads buildings of any kind beneficial to the whole country and who not only adorn their villages, but also keep watch on them were shown favourable concessions.[3] It was this corporate spirit, exhibited by the village folk and directly helped by the state, which made India, a land of villages, great and prosperous in days of yore.

With the active participation and leadership of the state, the agricultural production naturally was augmented. According to Diodorus there has never been a general scarcity of nourishing food. With large scale land-reclamation schemes undertaken by the state, and by the employment of compulsory labour and pledges as labourers, agricultural production kept pace with the growing population. But land and agriculture was not only concerned with satisfying the food needs of the people, it had to meet the major share of the enormous financial needs of the large bureaucratic and military empire. Agriculture appears to have been heavily taxed, much more heavily than today. One-sixth (*shaḍbhāga*) of the produce was the state's share, *i.e.*, 16$\frac{2}{3}$ per cent. Besides this bhāga, there were *bali* (a kind of religious tax), *kara* (payment in cash), *vartani* (road-cess), *corarajju* (police tax for apprehending of criminals), *rajju* (land-survey tax), *nadīpāla* (tax for river-guard) *nava* (river-ferry), etc.[4] In times of emergency the share of the

---

1. II. 1.27.
2. III 10. 37-38.
3. *Ibiā.* 46.
4. II. 6.3.

state was raised to $\frac{1}{4}$ or $\frac{1}{3}$, and other impositions on farmers were levied as mentioned earlier. The villages also had to pay '*senābhakta*' for the army passing through and also a collective tax (*piṇḍakara*).[1] It is thus obvious that the villages and their cultivators were rather heavily taxed and nothing could be left with them for any conspicuous consumption and luxurious living. It may not be out of place to suggest that the huge surplus production aimed at by combined state and farmers' efforts and initiative was largely mopped up by the state for maintenance of the capital and other cities, and the glorious palaces spoken highly by the classical authors. The villages appear to have been left on minimum subsistence level to produce more and more for the royal establishment, massive army and ever expanding bureaucracy.

---

[1] II. 15.3.

5

INDUSTRIES

KAUṬILYA refers to a large number of industries and to the active part the government played in this sphere. Among the major industries, mining, forestry, jewellery, spinning and weaving, distillery, and armaments, may be mentioned.

Mining of various metals in solid and liquid form, in the beginning, is mentioned by Kauṭilya. The entire department was headed by the 'the Director of Mine' (*ākārādhyaksha*) well-versed in the science of metal veins in the earth and metallurgy (*śulbadhātuśāstra*), the art of smelting (*rasapāka*), and of colouring of gems (*maṇirāga*). He was assisted by a large body of experts in these sciences and also had to be provided with properly skilled workmen and necessary equipment. This clearly shows that mines could be operated upon by the department of government. We are told of gold, silver, diamonds, gems, pearls, conch-shells, metals, salt, and ore derived from the earth, rocks and liquids as constituting mines.[2] As many as twelve kinds of metals (*dvādaśavidham dhātum*) are referred to.[3] Theft and pilferage from mines were common and fines were duly imposed; death sentence is laid down for theft of precious stones. No one was allowed to work in a mine without permission. It suggests registration of workers engaged in mines. However, even officers were prone to indulge in illegal gratification, and it appears, this was taken for granted in view of hard labour and difficult conditions of work in mines, forests, and factories. Kauṭilya makes a startling recommendation that highest officers who failed in all the tests (fear, piety, and material gain)and were found dishonest by every test were to be employed

---

1. II.12.1.
2. II.6.4.
3. II.12. 35-36,

in mines, in forests for material produce, in elephant forests and factories[1] (*sarvatraśucīn khaṇidravyahastivanakarmānteshūpayojayet*). While mines were owned by the king and many were worked by the government servants, some mines which were difficult for working or were costly to work could be given on lease to private persons or could be worked in partnership with private citizens. Thus mixed-economy prevailed in the mining industry—both state and private exploitation of mines was thought of.[2] Reference is made about how to identify gold-bearing liquids, transmuted copper and silver and bitumen (*śilājit*). There are metal ores of three kinds—underground, rockminerals and liquid (*bhūmiprastararasadhātu*). Gold, silver ores (*suvarṇarūpyadhātavaḥ*) are specially mentioned.[3] Methods of softening the hard ores are described. Copper (*tāmra*), lead (*sīsa*), tin (*trapu*), iron (*tīkshṇa*), mercury (*vaikrāntaka*), gem (*maṇi*) are mentioned. Smelting and alchemy appear to be associated industries. *Vṛtta* (steel) was manufactured on a large scale. Unfortunately Kauṭilya gives little information about the regions where these metals were found. Only some information, however, unsatisfactory, is given about provenance of gold. We are told about gold from the Jambu river, from mountain Śatakumbha. form Hāṭaka, from Veṇu, from Śriṅgaśukti, from Tuttha, *Gauḍa*, Kambu, and Cakravāla and are also found in natural condition and from mines. Distinct types of silver ores were found.[4] It is well-nigh impossible to definitely locate these regions. Touch-stone from Kaliṅga (Orissa) is specifically mentioned as of the best quality.[5] Salt from the Indus land (rock-salt), from sea (*samudra*), *biḍa*-salt (muriate of soda with small quantities of muriate of lime, sulphur and oxide of iron), salt-pitre, salt prepared by boiling down soda with embli myrobalan, and salt derived from saline soil are mentioned.[6] The Director of Mines was expected to provide as raw material mineral products for use in factories or industries dependent on them. It appears that it was his responsibility to reach the necessary products to factory and other manufacturing sites. The duties of establishing factories for the manufacture of products of copper, lead, tin, *vaikrāntaka*, brass, steel, bronze, bell-metal and iron fell on the Superintendent of metals (Lohādhyaksha).[1] He might have worked either under the overall guidance of the Director of Mines (Ākarādhyaksha) or in complete cooperation with him. What is important to note is the existence of the above manufacturing units under state direction in so many metals (*tāmrasīsatrapuvaikrāntakārkūṭa-vṛtta-kāṅsatīla loha*). The Superintendent of mines (khaṇyādhyaksha) was in-charge of establishing factories for manufacture of articles of conch-shells, diamond, jewels, pearls, coral and caustic soda (*saṅkhavajramaṇimuktāpravāla-kshāra*).[2] It is a pointer to well diversified industries based on minerals from under the earth, rivers, that as many as three heads of departments—Ākarādhyaksha, Lohādhyaksha, Khaṇyadhyaksha, assisted by groups of experts, set up and ran manufactories specialising in specific kinds of mineral-based products. They are also saddled with the responsibility of looking after commerce in articles manufactured in these.

---

[1] I.10. 14-15.
[2] II. 12. 22.
[3] *Ibid.*, 5, 6.
[4] II.13. 3-10.
[5] *Ibid.*, 21.
[6] II. 15.15.

Exploitation of forests and establishments of industries based on forest products appear to have been a major undertaking by the state.[3] It was the duty of the head of department of forests (Kūpyādhyaksha) mainly concerned with produce-forests to arrange for cutting of forest trees and collection of other produce by forest-guards and to get them stored in the government godowns. He had also to set up manufactories based on forest produce. Private persons could be allowed to cut forest products on due payment, and penalty could be imposed on them if they went beyond the contract.[4] Forest products have been classified under various heads. *Śāka*, *tiṇiśa*, *dhanvan*, *arjuna*, *madhūka*, *tilaka*, *sāla*, *śiṅśapa*,

---

1. II.12,23. Here *lodhra* has been translated as iron; *tīkshṇa* is another form for iron. *Kālāyasa* is also translated as iron.
2. *Ibid*, 27.
3. II. 17.
4. *Ibid*., 1-3. There were many kinds of forests. One kind was of *tapovana* for the Brāhmaṇas and for their religious sacrifices as *Somāraṇya*. Then there were forests for animals meant for king's recreation. Then there were zoological parks where animals were given protection and looked after (*mṛgaivanam*). There were *dravyavana*—produce forests with attached factories. (II.2. 1-5).

arimeda, rajādana, śirīsha, khadira, sara, latāla, sarja, aśvakarṇa, somavalka, kuśa, āmra, priyaka, dhava are hard-wood trees. Reads include *uṭaja, cimiya, cāpa, veṇu, vaṁśa, sātina, kaṅṭaka, bhālluka,* and others. Among creepers mention may be made of *vetra, śikāvalli, vāśi, śyāmalātā, nāgalatā. Fibre-plants* were *mālatī, mūrva, arka, śaṇa, gavedhuka atasi. muṅja, balbaja* were materials for ropes. *Tāli, tāla and bhujrar,* leavesw ere important. They were used as writing material till late times. *Kiṁśuka, kusumbha* and *Kuṅkuma* were notable flower products. Among medicinal plants mention may be made of bulbous roots, roots and fruits. Poison bearing products were *kālakūṭa, vatsanābha, hālāhala, meshaśṛṅga, mustā, kushṭha, mahāvisha,* and many others including serpents and insects. Poisons were used in medicines and also against enemies. Among products from forest animals mention is made of skins, bones, bile, tendons, eyes, teeth, horns, hooves, tails of lizard, *seraka,* leopard, bear, dolphin, lion, tiger, elephant, buffalo, *camara* (*yak*), *sṛmara,* rhinoceros, bison and cattle and also of dear, birds and other animals. It is interesting to note that metals (*lohāni*), *kālāyasa* (iron), *tāmra* (copper), *vṛttaka* (steel), *kaṅsya* (bronze), *sīsa* (lead) *trapu* (tin), *vaikrāntaka* and *arakūṭa* (brass) are included in the list of forest produce.[1] It is apparent that the metal mines were found in forested tracts and were therefore under the jurisdiction of the head of the forestry department. Even clay and split-bamboo made vessels were under his charge. Thus the head of the forest department was not only concerned with all possible products gathered or mined from forest areas but also for promotion of manufacture of articles based on the raw materials of the forests, and thus set up factories in the forests. These manufactories served the purpose of providing employment to many and also the interest of defence. It is of some significance that employment potential from forest wealth—raw material and manufactured goods based on them has been openly recognised. Industries and procurement of raw material were thus conceived as providers of livelihood of citizens of the state. This aspect of industrial activity promoted by the state is to-day rightly emphasized in the wake of great increase in population, but that it was an aspect of state policy of industrialisation in time of Kauṭilya needs to be appreciated.

---

[1] *Ibid*, 17.

This wholesome idea of industries providing livelihood to the needy is brought out more clearly in the organisation of the weaving industry. From the Harappan times onwards India's preeminence in textile industry has been recognised. In Kauṭilya's Arthaśāstra there is full fledged department of textile industry under the superintendent or Director of Textiles—Sūtrādhyaksha. We are referred to yarns spun out of *ūrṇa* (wool), *valka* (tree-fibres), *kārpāsa*, (cotton), *tūla* (silk-cotton), *śaṇa* (hemp), and *kshauma* (flax). *Valkala* or cloth made of tree-fibres must have been in demand due to increasing number of people adopting ascetic orders. Spinning of threads was a soft job and it was a decentralised home-industry in which women took active part. The state was aware of the needs of many classes of dependent or helpless women who had no means of livelihood available to them. Kauṭilya therefore directs the superintendent to allot spinning of threads of the aforementioned materials to widows, crippled woman, maidens (probably who had no parents to support them), women who had left their homes and became ascetics (*parivrājikā*), women who had been fined and could pay off their fines by work, mothers of prostitutes (*rūpājīva-mātrikā*) whom their daughter-prostitute may have abandoned as of no use for them now, old female slaves of the king, and retired temple female-slaves (*devadāsis*). They were paid remuneration according to the quality and quantity of the yarns spun. Probably exceptionally good workers were encouraged by presents of oil and myrobalan unguents. Such incentives for work to women indirectly testify to their love for cosmetics. On festive days such spinners were presented with gifts. Women workers were shown due consideration, specially such women who were in need of work but were not expected to come out of their homes in search of work. It is provided that such women—expelled from homes, women on journey away from home, widows, crippled women and maidens—who do not usually come out of their homes—should be allotted yarns for spinning through hired female slaves of weaving establishment. But if they come with the spun yarns to the factory for receiving remuneration for the work, this was to be done at the early hours of the morning when there was not much light, and inspection of yarns was to be done by a lamp sufficient only for the examination of the yarns and any attempt to look at the face of these women was an offence punishable with fines of first order.[1] Such precautions were taken against any attempt to take undue advantage of such unfortunate but well-bred women's financial difficulties. Officers paying them less or more remuneration than due, necessarily for unedifying reasons, were suitably punished. Work with honour was assured for them.

Out of the yarns of various kinds, cloth, armours, ropes, were manufactured in factories established for the purposes. Kauṭilya refers to weaving of cloths from *kshāuma* (flax), *dukūla* (fine cloth), *krimitāna* (silk from silk-worms), *rāṅkava* (hair of a kind of dear) or *kārpāsa*. Woollen cloths are not mentioned here, though antelope deer's hair (rāṅkava) must have been a kind of woollen fabric. We are informed that *dukūla* was obtained from Vaṅga, Puṇḍra and Suvarṇakuḍya. Vaṅga is East Bengal now Bangladesh and is still famous for Dacca muslin. Puṇḍra is North-West Bengal, Survaṇakuḍya could be, most probably, later Karṇasuvarṇa in West Bengal, though according to some it is a region in Kashmir. These varieties of fine cloth (*dukūla*) are distinguished by their colour and smoothness. *Kshauma* (flax) fabrics from Kāśī and Puṇḍra were famous. Patroṇa-silk of Magadha, Puṇḍra and Suvarṇakuḍya are mentioned. It has been identified with muga or eri silk of Assam. Twelve kinds of silk, native to India have been mentioned by Lassen. But silk and silk cloth from China are also referred to. Jayasval thinks that here China (*ciṉa*) means Gilgit tribe. Cotton fabrics from Madurā (Pāṇḍya country), Aparāntas (West India), Kalinga, Kāśī, Vaṅga, Vatsa (Allahabad region) and Mahīsha (Maheshwar, Madhyapradesh) were famous. Some of these regions like Kāśī, Western India (Ahmadabad, Surat, Bombay), Vaṅga (Bengal) are still famous for manufacture of cotton fabrics.[2] Woollen cloths of white, red, and partly red are referred to. Cloth decorated with needlework, woven patterns, lace work are alluded to. Something like waterproof of cloth which keep off rain (*apsāraka*) and *bhingisi* made out of a collection of eight woven strands were obtained from Nepal. Of animal hairs were

---

1. II. 23. 11-14.
2. II.11. 102-115 and notes (Kangle II, pp. 118-120).

manufactured wrappers (*sampuṭika*), different kinds of bed-spreads (*lambarā*, *ketavānaka*, *prāvaraka*) and rugs[1] (*sattalikā*); woollen blankets, woollen saddle-cloth, woollen armours such as woollen ear-guards, head-gears, bed-carpets, armour-belts were manufactured. The antiquity of silk and tending of silk worms may be noted. Was it a Chinese impact? The weavers were specially favoured with presents of scents, garlands, and other things. It is obvious that weaving of cloths was considered an important and advanced profession where workers were provided with such incentives as throw some light on their refined habits and standard of living. Remuneration was fixed on piece rate or time-rate. Some appear to have received wages[2] whose rate was fixed. The wage for weaving was equal to the value of the yarn, one and half times in case a *kshauma* and *kauśeya* double in the case of *patroṇa*, blankets and *dukūla*.[3] The management of weaving establishment had to maintain close contact with the workers. Such workers who committed offences or broke the terms of contract were duly fined. Besides manufacture of cloths, special factories were set up for manufacture of armour[4] and ropes, latter being useful "as trappings for war and bindings for vehicles and drought animals."

The success of the king depended on army, which was one of the seven elements of sovereignty. The army which was four-fold (infantry, cavalry, elephantry, chariotry) and also included navy, had to be supplied with necessary equipments. The manufacture of military equipment was to be carried on under the Superintendent of the armoury (*Āyudhāgārādhyaksha*).[5] He supervised the manufacture of various military equipments made by skilled and specially trained workers to be paid on the basis of agreement as to the quantity and kind of armour to be produced. Payment was to be either on piece or time rate. Kauṭilya refers to offensive and defensive weapons such as revolving machines (*cakrayāna*), coats of mail (*āvaraṇa*) and others for battle,

---

1. *Ibid.*, 100-101.
2. II.23.7.
3. IV.1.10.
4. *Ibid.*, 17. Herodotus refers to cotton armour worn by Indian soldiers of the Persian army.
5. II.18.

for defence of the forts, and for assault on enemies' cities, Manufactured weapons were to be properly stored and classified and regularly inspected, and the place of their keeping changed at suitable intervals to avoid damage by heat, or moisture or insects. Weapons have been classified under many heads such as fixed machines (*sthitayantrāṇi*), moving machines (*calayantrāṇi*), pointed weapons (*halamukhāṇi*) bows, bow strings and arrows, swords of various kinds, hilts of the horns of rhino, buffalo, elephant tusk and of wood and bamboo roots, sharp weapons (*kshurākalpāḥ*), and stone-weapons and millstones, coats of mail of metal plates, cotton-armour (*kavacasūtra*), and armour of skins and hooves and of horns of various animals and birds, helmets, neckguards, curriass, coats of mail covering upper part of the body, thigh-guard (nāgodārikā), and various kinds of shields of leather, metal and cane. He was also responsible for the manufacture of accourtments of war-elephants, chariots and cavalry. It is reasonable to assume that manufacture of all armour was a state monopoly. Megasthenes specifically refers to their manufacture by king's workers under meticulous supervision.

Another prospering industry was liquor manufacture and sale. This was not only revenue yielding but also was designed to regulate manufacture of intoxicating drinks, which have been very popular since the *somarasa* of the *Ṛgveda*. The Superintendent of liquor (*surādhyaksha*) was to regulate manufacture and sale of spirituous liquors.[1] Different kinds of liquors with standards fixed were manufactured under licenses granted by the superintendent.

Indian love for jewellery is well known. Kauṭilya refers to manufacture of various kinds of ornaments made of gems, pearls and precious stones. We are informed that pearls were obtained from Tāmraparṇi (Ceylon), Pāṇḍyakavāta (Pāṇḍya country), Pāśikya (in Pāṇḍya country), Kulā (in Ceylon), Cūrṇī (in Kerala), Kardama (Pāraśika country—Iran), Srotasi (Barbara Coast) and from the Himalayan region. Diamonds came from Sabhā *Maha*-rāshṭra (Vidarbha), Tajjamarāshṭra (Kaliṅga? a varient reading is *madhyamarāshṭrakam* meaning Kośala of the South, from Kāśtīrarāshṭrakam, (identified with Kāśī or Kashmir), from Srikaṭanaka (located in Jabalpur Dist.), Mt. Manivanta (in the north, probably the Himalayas), and Indravāna (Kaliṅga region). Gems came from Koṭi (between Malaya and the sea), from Mālā from Malaya and from Ahicchatrā and from beyond the sea.[1] Gold from mines, gold in natural condition and gold liquids from rivers are referred to. Mention is made of gold from the Jambu river (near Mt. Maru), from Śatakumbha, from Hāṭaka and from Veṇu (identification of these very doubtful). (Megasthenes refers to gold-producing ants of Tibet). Other varieties were obtained from Tuṭṭha, Gauḍa, Kambu and Cakravāla.[2] Making stringed gold ornaments woven in threads, setting in gold (*jaḍāu*), and making of solid or hollow gold ornament are referred to.[3] Gold-plaiting and making of gold-beads and setting them with alloy of silver or copper in fixed ratio make the gold look in different colours. Gold leaves and gold powder are mentioned.[4] Work of setting in gold, bead making, plaiting and gilding are referred to and details of technical nature are given.[5] The Superintendent of gold (*suvarṇādhyaksha*) was responsible for constructing a suitable workshop for manufacturing gold and silver ornaments and those of precious stone under strict supervision. Artisans employed in the workshop were properly searched before entering and leaving the workshop. It appears that the state ran such a workshop itself, though possibility of private manufacture cannot be ruled out. This is clear from description of the work of the goldsmith (*sauvarṇika*) who was to manufacture gold and silver ornaments and other articles for the country and town people.[6] He was expected to be an expert in every detail of manufacture and thus able to supervise and control the artisans employed by him for the purpose. The agreement with the private person about the kind of the article, time of delivery and wage for it was to be strictly adhered to and malpractices were to be suitably punished. Scale and weights to be used for the purpose were to be those

---

[1] II. 25.

---

1. II.11.
2. II.13.
3. II.13. 37-40.
4. *Ibid.*, 41-47.
5. *Ibid.*, 33-36.
6. II. 14.1.

certified by the Superintendent of weights and measures. Solid, hollow, plaited, gilted, coated and fixed were types of ornaments manufactured. Many technical details about plaiting, gilding, embedding, fixing and coating with mixture of alloys copper, silver, mica and lead are given.[1] Gems, silver and gold embedded ornaments are referred to. Among varieties of ornaments we are told of *śīrsaka*, *upaśīrsaka prakandaka*, *avaghāṭaka*, *taralapratibadha* (pearl strings dependent on the use of large pearl with one or more small pearls). Numerous varieties of necklaces (*hāra*) are mentioned such as *Indracchanda*, *Vijayachanda*, *ardhahāra*, *rasmikalapa*, *guccha*, *ardhaguccha*, *mānavaka*, *ardhamānavaka* depending on the number of strings in the necklace. Often one or more gems in the centre were provided for adding beauty to the ornament. A necklace of only *śīrsaka* is unmixed hāra. A *phalaka-hāra* was of three or five strings and *ekāvali* was of single string, but with a gem in centre it was called *yashṭi*. *Ratnāvali* was an ornament veriegated with gold and gems. With gold, gems, and pearls at intervals it is *apavartaka*. When this is stringed in a gold thread it is *sopānaka*, and with a gem in centre it is *maṇi-sopānaka*. The list gives us an idea of rich variety of ornaments. Ornaments of head, neck, hand and arms are mentioned.

Leather and bone including ivory industries must have been also flourishing as among forest produce, skin, horns and teeth of animals were collected and given proper treatment. Leather goods are referred to on which rate of toll was 1/20 or 1/25.[2] Basket making must have been a small-scale industry. Cane and bamboo were main raw materials. Kauṭilya refers to vessels of clay (*mṛttkābhāṇḍam*)[3] It is to be noted that the Mauryan period was famous for the distinct pottery—North Black Polished ware. But Kauṭilya dismisses pottery industry almost unceremoniously. Earthen-ware is again referred to (*mṛdbhāṇḍam*), on which rate of toll was 1/20 or 1/25.[4] Making of perfumes and collection of and trade in incenses of various kinds appear to be very popular. Sandal wood must have been most popular raw-material for incense and perfumes.

---

[1] *Ibid.*, 26-27.
[2] II. 17.15.
[3] II. 22.7.
[4] II. 22.7.

Various kinds of wood distinguished from the point of view of the nature of smell are referred to such as *sātana*, *gośirshaka*, *haricandana*, *tīrṇasa*, *grāmeruka*, *daivasabheya*, *jāpaka*, *joṅgaka*, *taurūpa*, *mālayeka*, *kucandana*, *kālaparvataka*, *kośāgāraparvataka*, *śītodakīya nāgaparvataka*, and *Śākala*.[1] Most of these are obtainable from Assam and South India. Aloe or *agaru* was obtained from Yona, Donga and from across the sea, from Assam area and Ceylon. Incenses (*tailaparṇika*) was obtained mostly from Assam region, camphor (*bhadraśriya*) from beyond the Lauhitya. Kālayaka a fragrant substance was available from Śuvarṇabhūmi (Burma), These were formed into lumps and were boiled or smoked to produce fragrant smoke. Flower-gardens are referred to as one of the constituents of revenue from *setu*.[2] Flowers must have been used in manufacture of some perfumes (of course flowers and garlands were very popular in decoration). Perfumes were object of trade and toll of 4 or 5 per cent was levied on them. Gifts of perfumes and flower-garlands (*gandhamālya*) were made to workers of the weaving establishment.[3] Preparation of perfumes and garlands was a recognised art which prostitutes, actresses and dancers had to learn from experts maintained by the king.[4] King's female slaves did the work of garland-makers for him. Thus perfume-makers and garland-makers appear to have a paying profession. Carpentry and furniture-making must have been also prevalent. Mention is made of wood, bamboo, tree-fibre, leather vessels or goods besides earthenware in the chapter on tolls on goods for market.[5] In the chapter six 'Division into Shares' Book-III reference is made to beds, seats, (presumably of wood), bronze vessels, house furniture (*gṛhaparivāpa*).[6] During 'Emergency' vessels of wood and bamboo, of stone and clay were taxed at the rate 5 per cent (*kāshṭhaveṇupāshāṇamṛdbhāṇḍa pakvānnahaṅta paṇyāḥ pañcakaraḥ*).[7]

---

1. II. 11. 43-55.
2. II.6.5.
3. II. 23.8.
4. II. 27.28.
5. II.22.7—Leather goods, wooden articles and earthernware are mentioned again in III.17. 6-7.
6. III. 6.6.
7. V.2.22.

6

CONTROL OF MARKET

KAUṬILYA in his Arthaśāstra deals with the problem of control of market in its most comprehensive sense, and tackles the problem with sympathy, imagination, and above all with a scientific approach. The system is at once elaborate, complicated and thorough.

Behind all state policies and measures was the fundamental principle: "In the happiness of his subjects lies his happiness, in their welfare his welfare, whatever pleases himself he shall not consider as good, but whatever pleases his subjects he should cosider as good."[1] The theory and practice of benevolent despotism could never be expressed in apter terms.

Market-control measures in ancient India were conceived and enforced with the same noble object in view. The spirit of Indian civilization has been to seek harmony amidst contradictions, compromise out of conflicts. The control measures as thought of by Kauṭilya sought to recognise the mutually conflicting interests of the profit-seeking merchants, the money-grabbing state and the purchasing community. The measures contemplated, rather practised, betray a master mind and careful planning. Planning, a popular term to-day, was a cardinal principle of Kauṭilya's administrative system. Villages or markets were to grow or to be settled according to plan. Construction of villages "either on new sites or on old ruins"[2] was one of the principles of rural development scheme and for the convenience of the consumers, prosperity of traders and for the increase of the revenues of the state "he (the king) shall set up market towns,"[3] and markets without land

---

1. I.19.34.
2. II.1.1.
3, II, 1,19. *Paṭṭanāṇica niveśayet.*

or water connections would be bodies without arteries and hence bound to be paralysed. Therefore he shall offer facilities "for commerce, construct roads for traffic, both by land and water."[1]

The Kauṭilīyan state was not a believer in *laissez-faire*. It owned mines, lands, factories and controlled industries. "The king shall exercise his right of ownership with regard to fishing, ferrying, and trading vegetables, in reservoirs or lakes."[2]

Generally, private trade was allowed to function, but under restrictions. The idea was to guarantee the traders reasonable profits, the state a decent income and the people a fair supply of goods at a fair price. To realise this harmony of diverse interrests, Kauṭilya lays down a large number of rules and provides for employment of a large staff.

Standardisation of weights and measures is one of the essential measures of any system of market control. It ensures fair market to the buyer and seller. From Kauṭilya's Arthaśāstra it will be clear that standardisation was a settled fact. There was a separate department consisting of a large staff to regulate it. The Superintendent of weights and measures got different weights and measures of graded units of uniform standard prepared of materials which would not usually react from changing weather conditions. "Weights shall be made of iron or stones available in the countries of Magadha and Mekala, or of such things as will neither contract when wetted nor expand under the influence of heat."[3] Detailed instructions are given for the construction of different weights and scale-pans to prevent fraud or imitation by the traders. The weights and measures were "stamped by the superintendent, who shall charge four *māshas* for stamping the weights or measures. A fine or 27¼ *paṇas* shall be imposed for using unstamped weights or measures."[4] The standard of weights or measures used for the purchase or sale of commodities for the king was different from the common standard meant for the general consumers. *Ayamāni* balance, by which the king's receipts are weighed, weighs hundred *dharaṇapala* while the balance for general used weighs only 95. The measure *ayamāni* which was the measure for king's receipts weighs only 200 *palas* paddy beans, while the measure in general use for the public weighs only 187½ units. Public balances, servants' balance and harem balances successively decrease by 5 *palas*, (compared with *ayamāni*)—excepting flesh, metal, salt and precious stones.[1] This discriminatory feature shows how king's interest for higher receipts was upper most. An excess of 5 *palas* of all other commodities (shall be given to the king) when they are weighed in two ordinary *palas* as the royal balance was most favourable, the balance for the palace was 162½ for one *droṇa*, 187½ for trade, 175 for ordinary payment and 200 *palas* made one *droṇa* for revenue purposes.[2]

---

[1] *Ibid.*
[2] II. 1.24.
[3] II. 19.10.
[4] II.19. 40-42.

After providing for stamped weights and measures the state was anxious to see that the laws were not ignored. Therefore to protect the consumers from the cunning shopkeepers, the government punished the sellers or buyers who dishonestly weighed less or more than legally required. "With a view to prevent deception, he shall also supervise weights and measures. Differences of half of a *pala* in such measures as are called *parimāni* and *droṇa* is no offence.[3] But the offence for difference of a *pala* or more shall be proportionately increased. Similar punishment in weighing in other balances are also provided.[4] Even the balances were standardised,[5] so that they might not play havoc with the weights or measures, and use of a false balance was punished. "When a merchant purchases by a false balance a greater quantity of commodity and sells under the same nominal weight a less quantity by the same or another balance, he shall be punished with double the above fine.[6] The stamped weights and measures were periodically submitted to the superintendent for checking and restamping, if necessary.[7] Failure to do so was punished. A stamping fee

---

1. II. 19. 22-29.
2. *Ibid.*, 20-29—People had to pay revenues to the king by a balance which weighed highest in favour of the king, but, he made payment by a balance which weighed least.
3. IV.2.3.
4. IV.2.13.
5. II. 19.1.
6. IV. 2.13.
7. II. 19.40.

was also paid by the merchants.[1] The Superintendent of markets (*Saṁsthādhyaksha*) was to regularly inspect the weights and measures in use in markets to detect faults or fraud.[2]

The government also looked to the fact that the buyer should not lose even the smallest quantity owing to conditions over which he had no control. "Those who trade in clarified butter shall give 1/32th part or more as '*taptavyāji*' (compensation for decrease in the quantity of ghee owing to liquid condition). Those who trade in oil shall give 1/64th as *taptavyāji*.[3] Thus we find that very scrupulous care was taken for the interests of the consumers. Even the *vyāja* to the purchaser is legalised and its rate is fixed. "The amount of *vyāji* taken by the purchaser due on commodities sold by a cubical measure is 1/16th of the commodity, that on commodities sold by weighing balance is 1/20th of the quantity and that on commodities sold in number 1/11th of the whole."[4] Moreover attempt by the trader to pass on fake articles for genuine to the purchaser was punishable with heavy fines.[5]

The commerce department of the government prepared something like a bulletin indicating the demand for an article and the rise and fall in the price of the merchandise brought into the region by land or water. It was done with a view to regulate its disribution, sale, and purchase so that it will be favourably sold to the people, and the merchants shall avoid such large profits as will harm the people.[6] The Superintendent of commerce had to ascertain the time suitable for the distribution, centralisation and sale of merchandise. Imported merchandise shall be distributed in several markets for sale.

It is obvious that the state was alive to its responsibility for the distribution of goods throughout the kingdom. The idea behind was that there should not arise such a situation when the goods are lying at one place unsold while at another place they are being

1. II.19.42.
2. IV.1.2.
3. II.19.43.
4. II.16.10.
5. IV.2. 15.16.
6. II.16.4-7.

sold at high prices, because of less supply and more demand.[1] The danger of prevalence of different market rates of goods widely distributed throughout the country was removed by centralising the commodity in question, fixing its uniform price and ensuring equitable distribution. It was therefore rightly thought necessary to fix the hours of business and to demarcate the areas for opening of shops and carrying on of business. In ancient India from the days of ancient Indus Valley civilisation towns developed or were established according to a plan. Therefore, Kauṭilya would not allow opening of shops in any locality or carrying on of business at any hours of day. Moreover, the quota of goods to every merchant was fixed and he was not expected to sell merchandise other than his own. "They (merchants) shall make a report of those who sell any merchandise in a forbidden place or time, as well of of those who are in possession of any merchandise other than their own."[2]

For the convenience of the consumers the prices of merchandise were fixed, but not arbitrarily. The interests of the traders were not ignored. The superintendent shall on consideration of the outlay, the quantity manufactured, the amount of toll, the interest on outlay, higher and other kinds of accessory expense, fix the price of such merchandise with due regard to its haveing been manufactured long ago or imported from a distant country. The rate of profit included in the price so fixed was also determined. The Superintendent of commerce shall fix a profit of 5% over and above the fixed price of local commodoties and 10% on foreign produce. Merchants[3] who enhance the price or realise profit beyond that during sale or purchase of commodities shall be punished with a fine of 200 *paṇas* and also in case of realising for an additional profit of 5 *paṇas*. Fines for the greater enhancement shall be proportionately increased." The profits of the middlemen were also controlled in order to protect the merchants and the consumers. Therefore middlemen who cause to a merchant or a purchaser loss of 1/8th of *paṇa* by substituting with tricks of hand false weights or measures or other kinds of inferior articles shall be punished with a fine of 200 paṇas.

---

1. IV.2.33; II.16.7.
2. II,36. 7-8.
3. IV.2.28-29.

Fines for greater losses shall be successively increased commencing from 200 *paṇas*, and the trader was to calculate the daily earnings of middlemen and fix the amounts on which they are authorised to live."[1]

Imported merchandise, naturally, would be in great demand in different parts of the country and the supply being limited, the government fixed the quota for different markets to different traders who were licensed dealers. This was naturally meant to do away with the evils of free competition and profiteering by traders. "That merchandise which is widely distributed shall be centralised and its price enhanced when the enhanced rate becomes popular another rate shall be discovered. That merchandise of the king which is of local manufacture shall be centralised; imported merchandise shall be distributed in several markets for sale. Both kinds of merchandise shall be favourably sold by the king to the people."[2] Thus the state itself sold many articles to the people on rates which would not harm the people. The supply, distribution, and fixed prices of the merchandise produced in the king's fields, mines or factories, were also centralised. There was also a possibility of overflooding of markets with certain commodities. This excess of supply over demand of a commodity would lead to many unfavourable reactions on market conditions, and an efficient state as the Kauṭilīyan state was designed to be could not allow such a situation to develop. Therefore, "whenever there is an excess of supply of merchandise, the superintendent shall centralise its sale and prohibit the sale of similar merchandise elsewhere before the centralised supply is disposed of towards the people, the merchants shall sell this centralised supply for daily wages."[3] Thus the evil of dumping of goods in any locality were removed; the merchants sold these articles as ordered by the state and received a remuneration for their labour.

The state was also aware of the evils of centralisation. Certain articles essentially required by the people any time were exempt from the general policy of centralisation, and so there shall be no restriction to the time and sale of those commodities of which there is frequent demand[1] nor they shall be subject to evils of centralisation.

---

[1] *Ibid.* 20-23.

[2] II.16.4-7.

[3] IV.2.33-35. A likely comparison may be the recent experience of the excessive stock of controlled cloth with mills.

The merchandise of kings were to be sold only by authorised merchants at the fixed price with royal weights and measures. And the sale proceeds were collected by authorised agents in a wooden box kept in a fixed place and provided with a single aperture on the top. During the 8th part of the day they shall submit to the Superintendent of commerce the sale report, saying ("This much has been sold and this remains.")[2] This makes it clear that the government kept a complete stock-register of their goods and of the amount of merchandise allotted to various authorised dealers who sent to the government a full report of the sale, its proceeds, and balance.

The government officers checked the quantity and quality of the merchandise which were stamped by royal seals before being brought to the toll-houses. So only certified merchandise could be put into the market. It is provided that "those whose merchandise has not been stamped with seal mark shall pay twice the amount of toll. If the seal mark is effaced or torn, the merchants in question shall be compelled to stand in a room where persons are locked up for untimely walking in street or roads (*ghaṭikāsthāna*). For counterfeit seals they shall pay 8 times the toll. Whether the merchandise has been stamped or not shall be examined by the collectors of the toll-house, as soon as it comes to it. When one kind of seal is used for another or one kind of merchandise has been otherwise named the merchants pay a fine of 1¼ *paṇas* for each load.[3] The authorities of the toll-house had to see that all goods intended for sale paid due tolls. But often clever traders tried to carry goods on which duties had not been paid with goods on which duties had been paid, or tried to escape with goods on which higher duties were chargeable by concealing them with goods of inferior

---

1. II.16.7.
2. II.16.14-16.
3. II.21.3-6.

quality on which lesser rate of duty was levied or leviable. Such merchants when detected found their entire goods confiscated and had to pay a fine equal to the value of the commodity.[1]

Kauṭilya was very particular that the merchants should not pass on inferior goods as superior, or goods made in one country for those of another. So he says, "when a trader sells or mortgages inferior as superior commodities, articles of some other localities as the produce of a particular locality, adulterated things or deceitful mixtures or when he substitutes other articles for those just sold, he shall be punished with a fine of 54 *paṇas*.[2] The sale or mortgage of articles such as timber, iron, brilliant stones, ropes, skins, earthenware, threads, fibrous garments, and woollen cloths as superior, though they are really inferior, shall be punished with a fine of 8 times the value of the articles thus sold.[3] Specially adulteration of grains, oils, salts, scents, and medicinal article with similar articles of no quality shall be punished with a fine of 12 *paṇas*.[4] Adulteration of articles of food, of essential articles such as scents, medicines, or alkalis is a grave offence against the health and the life of the people.

The general rule of the sale of merchandise was that "the commodities shall be sold only after they are precisely weighed, measured and numbered."[5] The price fixed was to be made known to the public by the merchants in a responsible manner and the merchandise was to be sold thereafter. When the merchandise was placed near the toll house (after the toll was paid), the merchants shall declare its quantity and price, and cry out thrice, "who will purchase this quantity of merchandise for this amount of price" and hand over the same to those who demand at that price.[6] The refusal to sell at the controlled rate was a crime, "and merchant refusing to give his merchandise that he has sold shall be punished with a fine of 12 *paṇas*, unless the merchandise is naturally bad or dangerous, or intolerable." Similarly, the purchaser who refused to accept the goods purchased was punished.[1] Thus in general refusal to sell was a crime but refusal to sell commodities which are naturally bad, dangerous or devoid of all qualities was excused as it was in the interest of the consumers. The sale of bonafide articles on the control-rate under legal restrictions to any consumer became irrevocable after one night of transaction. Time for recession of a sale is one night for merchants. The arbitrary enhancement in price of a commodity over the controlled rate empowered the government sometimes to take to the drastic recourse of the confiscation of the entire property.[2] Difference in earning between the controlled price and the price charged by the trader in view of competition among buyers, the increase in price together with the duty went to the state-treasury.[3] The price of an article may be enhanced owing to the fear of a rival purchaser; enhanced amount would go to the king or the duty will be doubled.[4] When the purchasers begin to bid for it, the enhanced amount of the price shall be paid into the king's treasury. When under the fear of the bidders enhancing the price, the price of any merchandise is increased beyond its proper value, the king shall receive the enhanced amount of toll on it. Thus the merchants were left with no incentive to charge black-market prices.

---

[1] *Ibid*, 20-21.

[2] IV. 2.16.

[3] IV.2.15.

[4] IV.2.21-22.

[5] II.21.15.

[6] II.21.7-9.

Unrestricted trade in exports of or imports of some goods which the state thought very important was not allowed. Even in the time of Manu, there seems to have existed some state monopolies and restrictions on exports and perhaps also on imports. According to Kauṭilya unrestricted exports and imports of all commodities were not allowed. When a person imports such forbidden articles as weapons, mail-armour, chariots, precious stones, grains and cattle, he shall not only be punished as laid down elsewhere, but also was made to forfeit his merchandise. When any such commodities have been brought in for sale, they shall be sold free of toll outside the fort

---

[1] III.15.1,9.

[2] II.21.30; IV.2.26.

[3] II.21.9.

[4] II.21.13.

(as the state will purchase the articles).[1] A careful perusal of the list makes it clear that the state rightly exercised monopoly in trade of commodities which might be used as military equipments, or would be necessary to fill the state treasury; otherwise influx of precious stones from abroad would create monetary crisis and consequent economic disorganisation. It was also very wise to retain the monoply right of import of grains and cattle the two most essential means of agricultural property, and unrestricted import of these articles by private traders could ruin native agricultural and cattle market. The prohibtion served the same purpose as the passing of the Corn Law in England.

Some of the gravest offences of the traders are concealment and holding of merchandise. All the comprehensive market control measures are useless if the merchants succeed in concealing merchandise meant for sale in the open market, or in hoarding commodities, thus postponing their sale for sometime and thereby increasing the intensity of demand and so being able to charge higher prices; and thus the merchants would obtain enormous and improper profits. Kauṭilya provides for strong measures against such unsocial practices indulged in by social enemies, the profiteering merchants. Holding or concealing of commodities was so severely punished that guilty traders dared not repeat their performance. "For hiding inferior commodities eight times the amount of toll was imposed, and for hiding or concealing superior commodities they shall be wholly confiscated."[2] Besides individual merchants indulging in hoarding or concealing of commodities, it was quite possible that the merchants might act together in concert to bring about total or partial disappearance of commodities in demand from the markets to the utter loss to the public. Such concerted moves were also punished. The merchants may also conspire to sell or purchase commodities at a higher rate than the prescribed one and thus all controlled measures would be evaded. Therefore, Kauṭilya lays down that the merchants who conspire to prevent the sale of merchandise or

---

1. II.21.22-23. or people could purchase it cheap without allowing any profit to the traders.
2. II.21.30.

to sell or purchase commodities at a higher price shall be fined 1000 *paṇas*.[1] Kauṭilya also dealt severely with another dangerous situation which certain discontented elements would create by trying to sabotage the market-control measures by preventing goods coming to the markets from places of origin (factory, field or mines). Therefore Kauṭilya prohibited any sale of commodities in the places of their origin and punished those with varying fines who purchased articles from flower and vegetable gardens, from fields or mines.[2] This prevented skipping over market licensing and toll dues. Stopping the production altogether and preventing the artisans from work by concerted action or by this method, reducing their quality of work was frowned upon. There might be concerted strikes, or agitators might sabotage the production of goods, their transport and appearance in the markets. Such possibilities would not but be viewed with alarm by Kauṭilya whose anxieties for law and order are well known. The state of Kauṭilya's conception was bound to punish such dangerous elements. Therefore it was provided that those who conspire to lower the quality of the work of artisans, to hinder their income or to obstruct the sale or purchase of their products be fined 1000 *paṇas*.[3] These measures probably made strikes illegal and *hartal* (of markets) an offence. These measures must have ensured commodities' easy way to open markets, where they would be sold at fair prices.

To enforce these laws and regulations successfully it was desirable that the state should have complete knowledge of the stock and the number and names of merchants of the different localities trading in merchandise. This must have suggested something like the modern method of licensing. If only licensed traders are allowed to deal in merchandise allotted to them by the government, it is easy to enforce the control measures and also to ensure equitable distribution. Therefore, only authorised traders were to trade in the king's merchandise. More important was the licensing of wholesale traders of grains and other essential commodities. The wholesale traders determine in many ways the conditions of retail trade, it was, therefore, necessary to control the mischief at the root. So, in order to let the government have control over wholesale trade in essential commodities, Kauṭilya provided that "authorised persons alone shall collect grains and other merchandise. Collections of such things without permission shall be confiscated by the Superintendent of commerce."[1] The collected merchandise is to be sold at a fixed price but in case of failure to sell collected merchandise wholesale at the fixed rate the "rate shall be altered."[2] The important point to note is that the wholesale trade rate is fixed by the superintendent and only licensed dealers could collect such commodities.

---

[1] IV.2.19.
[2] II.22.9-13.
[3] IV.2.18.

Besides bearing so many restrictions on sale and purchase of commodities, the merchants also had to pay many kinds of taxes to the state. The merchants had to pay tolls to the state on merchandise just before it was taken into the city. The toll was levied either on the quantity of the merchandise or on the price at which it was sold. But certain commodities were exempted from paying the usual toll. "Commodities intended for marriage or taken by a bride from her parent house, or intended for presentation, or taken for the purpose of sacrificial performance, confinement of women, worship of gods, ceremonies of tonsure, of investiture of sacred thread, gifts of cows and religious rites, consecration ceremonies and other special ceremonies were let off free of toll.[3] Those who utter a lie shall be punished as thieves.[4] This reveales that for a bonafide social and religious ceremony or presents, special permits were issued allowing the commodities to pass off without paying toll. But any attempt to misuse the privilege entitled the guilty to be punished as a thief. Defrauding of the Customs House was in diverse ways, usually indulged in by traders in controlled economy, was not unknown in ancient India and was always considered a serious offence. In the time of Manu attempt to defraud the Customs House was to be punished with a fine of eight times the amount due. Kauṭilya says that there was the danger that the special permit might be abused,

---

1. *Ibid.* 26-27.
2. II.16. 2-3.
3. II. 21. 18.
4. II. 21.19.

and that some commodities not permitted to pass without toll might be smuggled together with the permitted articles: it was also possible that a merchant might escape the vigilant eyes of the tax-collectors and the superintendent, and succeed in carrying away some merchandise without toll out of the toll-house.[1] But he was still not safe. Only stamped goods sealed in a sack could be first put on market. Therefore the merchants who to escape detection of his crime broke the seal of the bag and mix the smuggled merchandise with those on which he had paid the toll were fined. But even here he could be checked; as the quality or the amount of the merchandise on which toll has been paid was already on record, so the amount of smuggled quantity could be detected and he forfeited the smuggled quantity and paid as fine as much as is equal to the quantity smuggled. Even if any merchant even then succeeded in evading toll dues government spies on roads and in places beyond roads were placed to detect such evasion.[2]

Generally, all merchandise meant for sale, whether brought from the countryside or manufactured locally or imported from a foreign country had to pay toll when exported or imported. It was based on the theory that the merchants must pay for the protection which the state extends to them (according to Manu), these duties on traders should be fixed on the consideration of the rates of sale and purchase, the means of communication, the charges of securing goods and the necessary expenses of the dealers.[3] In view of these considerations, according to Kauṭilya, the rate of toll was fixed on the nature of the merchandise. "Imported commodities shall pay 1/5th of their value as toll," while perishable articles such as "fruits, vegetables, seeds, dried fish, dried meat had to pay 1/6th of their value."[4] The rate of toll on certain rare and precious materials and ornaments "depended on the opinion of the experts,"[5] but commodities of common and essential use by the people such as "fibrous garments, cotton cloths, silks, sulphurated arsenic vermillion, metals (*loha*), colouring ingredients, sandal,

1. II.21.20-21.
2. II.21,17.
3. IV.2.36.
4. II.22.3-4.
5. *Ibid.*, 5.

ferments, wines, ivory, skins, raw materials for making fibrous garments and cotton garment, carpets, curtains, or produce yielded by worms, wool and other allied products had to pay 1/10th or 1/15th of their values as toll."[1] The rate of levying toll on essential articles necessary for the people to support themselves at a comfortably goods standard was to be still lower. It was provided "of clothes (*vastra*), qundrupeds or bipeds, fibres (*valkala*), cotton, threads, scents, medicines, wood bamboo, skins, and clay pots, of grains oils, sugar, salt, liquor, cooked rice, and the like, the superintendent shall receive 1/20th or 1/25th as toll."[2] For rare seeds and highly beneficial goods no duties were levied.[3] This assured cheaper price for such essential goods. The gradation in the scale of the rate of toll on merchandise was based on the most rational principle of taking the elasticity or inelasticity of demand and a degree of necessity for the commodity in question. Duties on a diminishing scale were levied on articles of a perishing nature, valuable products and essential commodities. Another notable feature was that tolls were levied in cash, or in kind after valuation by appraisers. Such elaborate arrangements evidently indicate a somewhat advanced stage of the development in the branch of revenue collection.

It is true that the merchants had to suffer a thorough investigation and search at the toll-house and had to pay toll on their goods. But these measures must have ensured to the trade the advantage which is now sought to be obtained from the system of bonded warehouse, *viz.*, payment of duty at the time of sale.

Besides the toll dues at the toll-house, there was a road cess (*vartani*) amounting to a paṇa and a quarter on each load of merchandise, collected by the *antapāla*.[4] He shall levy a *paṇa* on a single-hoofed animal, half a *poṇa* on each head of cattle, and a quarter on a minor quardruped. He shall also receive a *māsha* on a head load of merchandise.

The *antapāla* did not only levy a road-cess on the merchandise but he also conducted a thorough and relevant enquiry into the

---

1. II. 22.6.
2. II.22.7.
3. *Ibid.*, 31.
4. II.21.24.

nature and quantity of foreign goods, entering the region and after being satisfied would issue the identity pass with his own seal and then send the caravan of goods to the superintendent concerned.[1] Thus to practise fraud was a very difficult feat and the government had a full report of the nature and the amount of the merchandise. Besides the transit duties apparently levied on the merchandise at the land frontier, the merchant should pay a duty according to the usage of the port. Merchants shall pay customary toll levied in port towns.[2] The Superintendent of tolls had to fix duties for new and old commodities observing the custom prevalent in the country side and the community.[3] And by the orders of the superintendent traders in foreign goods had to pay many kinds of taxes to the state. Kauṭilya says about the sale of king's merchandise in foreign countries, "The Superintendent of commerce will find out (by calculation) whether there is any margin left for profit after making the payments (to the foreign king) such as toll (*śulka*), road-cess (*vartani*), conveyance cess, tax payable at military stations, (*gulmadeya*), ferry charges, food, fodder and share of the merchants and his followers and the portion of the merchandise payable to the king.[4] The point becomes still clearer when spies under the guise of merchants are to report to the king about the foreign goods coming into the country, and varieties and amount of charges paid on them by merchants.[5]

Thus we find that all the merchandise, foreign or imported, before being put to sale had to pass through the *antapāla* and the toll-house where they would be fully checked. The government was always kept aware of the stock of the commodities in the market, and then could fix the price. Moreover, the government also very easily got its full share in the form of tolls and other duties imposed on all merchandise. The goods were stored in the warehouse and then taken to different markets. But all these regulations might be evaded by such traders or consumers who managed to purchase goods at the place of origin. Thus the things

---

1. II.21.26.
2. II.28.4.
3. II. 22.15. This may suggest different rates for new and second hand or old goods.
4. II.16.18.
5. II. 21. 27-28.

sold might not come to the market at all and the producer might be cheated by clever dealers and middlemen who might induce the consumers to pay a higher price than the controlled one to get the things easily. This practice would destroy the main basis of the market-control regulations. Many areas might be deprived of there own quota of goods, prices might rise due to scarcity. The consumers suffer and the state losses its revenue. Another danger was that some unscrupulous persons or companies might purchase whole-sale crops standing in the field or just harvested; and then hold these goods. The state was anxious to guarantee adequate supply of essential goods everywhere, therefore no whole-sale trader would be allowed to injure the interests of the people and the state. All merchandise to put on sale must pass through the *antapāla* and the Superintendent of tolls, and no one was allowed to obtain the control of the produce at the place of the origin. Commodities can never be sold where they are grown or manufactured....When minerals and other commodities are purchased from the mines a fine of 600 *paṇas* shall be imposed. When flowers or fruits are purchased from flower or fruit-gardens a fine of 54 *paṇas* shall be imposed. When vegetable roots, bulbous roots are purchased from vegetables gardens a fine of 51-3/4 *paṇas* shall be imposed; when any kind of grass or grain is purchased from field a fine of 53 *paṇas*, and from crown lands, a fine of 1½ *paṇa* shall be imposed.[1] In times of emergency and financial troubles the king may make extra demands on traders and merchants as on other classes of people.[2]

The traders and the merchants, local or foreign, were helped by the state in many ways. The major portion of the state's revenue under the head of revenue from 'Forts' collected and classified by Collector-General, came from tolls, weights and measures, from Superintendents of sales, passports, the ware-house of merchandise—all out of trade, while revenue from roads of traffic, land and water ways; *vyāji* came under a separate head altogethere.[3] The Superintendent of store-house supervised the accounts of many

---

1. II. 22. 9-14. The small fine for purchasing grain from crown-lands (*sītā*) was natural, as it would be very rare and officers were to be dealt with departmentally. The purpose behind these provisions was to ensure all marketable goods to the (established) markets and to prevent evasion of toll-dues at the toll-house. The functions of the modern agricultural marketing boards appear to have been anticipated in retrospect.
2. V. 2.17-24.
3. II.6.2-3, 10.

departments, including those of 'commerce' besides sale proceeds of grains, grains purchased, and collection of interest in kind, or grains and debts.

Therefore, as the state gained much from traders their interests it naturally cared to look after. Prices were fixed after giving all due consideration to the expenses of the dealers or their difficulties and a reasonable profit was assured to them.[1] The merchants were protected from the middlemen. The state also undertook to provide concessions to the merchants in case of transport difficulties.[2] In case of obstruction to traffic the superintendent had to show necessary concessions. The government also undertook to protect the merchandise of the traders. If anything was lost for no fault of the merchants, "the *antapāla* had also to make good whatever had been lost by merchants in the part of the country in his charge."[3] If traders in caravans lost their article or life while staying in the village or between the villages or in regions without pasture, the village headman (*grāmasvāmi*), or Superintendent of pastures or police officers respectively were made responsible.[4] Traders trading in foreign merchandise were favoured with concessions. The superintendent had to show concessions to such traders who imported foreign merchandise, in ships or caravans, and such importers of foreign merchandise were to be favoured with remission of trade-taxes so that they could derive profit. Similarly foreigners importing merchandise would be exempted from being sued for debts unless they are members of local-associations or associated with their partners.[5] The foreign merchandise could be stored in a royal warehouse on payment of rent.

Thus we find that Kauṭilya lays down a scientific and comprehensive system of market-control. But these complicated and thorough measures are the culmination of a long process as is revealed in the *smṛtis* and the *dharmasūtras*, and many of the features found in the Kauṭilya's Arthaśāstra are found in Manu and

---

1. II.35.12.
2. II.16.20-21.
3. II.21-25.
4. IV.13.7-10.
5. II.16.11-13,

other dharmaśāstras. The salient features of the market-control system as revealed in Kauṭilya's Arthaśāstra are: (i) there was complete standardisation of weights and measures, regularly stamped and checked; (ii) the system of licensing the traders was known; (iii) the prices were fixed after due consideration, and the rate of profit was also fixed; (iv) hoarding and concealing of goods or concerted move to prevent production, distribution or arrival of goods in the market, were heavily punished; (v) a complete record of goods was kept and business hours and market areas were regulated, sale of goods in general was carried on under restriction; (vi) fraud, adulteration, or mixture of commodities of different kinds was severely punished; (vii) all possible measures were provided for enforcing the fixed price, adequate supply and equitable distribution of goods; (viii) all merchandise in general had to pay toll at the toll-house just before being placed into the market for sale. Kauṭilya was well aware of the defects of rigid system and so the rate was flexible, differing with regard to customs and men of localities. "Hence in accordance with the customs of countries or of communities the rate of toll shall be fixed on commodities either *old or new*; and fines shall be fixed in proportion to the gravity of offences."[1] All this was possible only when the Director of Trade (*Paṇyādhaykṣha*) was well trained and well informed about 'difference' in the price of commodities of high value and of low value, and the popularity or unpopularity of goods of various kinds, whether produced on land, or in water, and whether they have arrived along land-routes or water routes, and about the suitability of time for resorting to dispersal or concentration, purchase or sale (of commodities).[2] But the dominant motive was to serve the interests of the people, and therefore the policy laid down was that while highly useful articles could be allowed free entry into markets, goods that were harmful to the country or were worthless were completely prevented from entry into the markets.[3] Even the interest of the trader was not overlooked; 'in case of commodities (distant in time and place), price was fixed by experts after calculating the investment, the (amount of) production

---

1. II.22-15.
2. II.16.1.
3. II.21.31.

of goods, duty, interest (on any loan taken for trade in the article), rent and other expenses.[1] All goods for sale or pledge had to be sold in the market, and even old or second-hand goods could not be sold without informing the Director of trade.[2] The interests of the consumer, trader and the state were sought to be balanced by entire set of market regulations.

---

[1] IV.2.36.

[2] IV.6.6.

7

LAW AND JUSTICE

ONE of the most basic factors necessitating the evolution of the state and organisation of government was the need to enforce rules of conduct and behaviour between men, and to punish those who by sheer brute force deny the weak the opportunity to live and prosper. The most dominant characteristic of the government is its ultimate coercive power over the people. In ancient India by it was meant *daṇḍa.* "The means of ensuring pursuit of philosophy, the three Vedas and economics is the Rod, (the *daṇḍa* wielded by the king), on it depended the orderly maintenance of the worldly life."[1] But Kauṭilya did not believe in a police or terror state. He disagreed with ancient teachers who held that for the orderly maintenance of worldly life the king's Rod of chastisement should always be in striking posture—the people as it were to be led by stick on the right path.[2] Kauṭilya who recognised the strength of public opinion and believed in the welfare programme of the state could not naturally subscribe to this policy of enforcing observance of laws by use or constant threat of force alone. He also did not believe in a weak policy of using the coercive power so much mildly as not to be cared for at all by the wrong doers. As a wise statesman he advises the king to use his ultimate power—the power of exercising the Rod of chastisement—justly, neither harshly nor too mildly. He observes, "For the king severe with the Rod becomes a source of terror to beings—the king mild with the Rod is despised. The king just with the Rod is honoured."[3] The king therefore uses his power of punishment after full consideration (of every case) and then gives due punishment, if necessary. This would

---

1. I.3.17.
2. I.4.5-6.
3. I.4.7-10.

naturally make people respect the king and his *daṇḍa* and assured of just exercise of law of chastisement they would follow their lawful avocations peacefully and enjoy life and prosperity. As said earlier Kauṭilya recognises that the unjust exercise of the *daṇḍa* will make even the wandering ascetics angry what to speak of the householders.[1] But this does not mean that the king due to fear of enraging public opinion should not exercise his power even when required. Because in such a situation, there is no authority to enforce order, and the law of jungle prevails. The might becomes right. The *mātsyanyāya*—the state of anarchy, in which the larger fish (mightier person) swallows the smaller fish (the weaker) is the result. It is only the king, with his just exercise of *daṇḍa* who assures protection to the weak and just punishment against strong and unjust.[2] For Kauṭilya justice lay in proper observance of the rules of *varṇas* and *āshramas*, and according to him 'the observance of one's own duty (as prescribed in the *Varṇāshramadharma*) would lead one to heaven and infinite bliss, and violation of this would lead to an end of the world because of confusion created by intermixture of different *varṇas* and their respective duties.[3] Naturally it was the bounden duty of the king, rather the justification for his office, to see that men are able to follow their respective *Dharma* and are not allowed to transgress it.[4] It is therefore implied that it was within king's sphere of duty to administer law and justice in such a way that different sections of society could respect each other's rights. The king therefore had the right to enforce proper behaviour between members of the family, between the employer and the employees, between religious groups, between the teacher and the pupil. Seen in this light Aśoka's prescriptions detailed in his Edicts do not appear to be anything out of the way, but were expression of the earnestness of the king to follow his *Dharma* as a king enunciated by Law-givers, and correctly because these duties of the king were derived from general duties enjoined upon all—abstaining from injury (to living creatures), truthfulness, uprightness, freedom from malice, compassionateness and forbearance.[1] It is this philosophy of kingship—to ensure observance of *Varṇāshramadharma* and to contribute to the increase of virtues essential to all—which explains and also justifies the ever increasing role of the king in the lives of men. Some of the lapses or violations of the *Varṇāshramadharma* were certainly justiciable—could be punished in the court of law. Kauṭilya prohibted intercaste marriage and interchange of occupation among different castes. He recommended punishment for those who took to asceticism prematurally (giving up householder's life) without making due provisions for his dependents.[2]

---

[1] I.4.11-13.
[2] I.4.14-15.
[3] I.3.14-15.
[4] 1.3.17.

According to Kauṭilya the sources of law were *Dharma* (Dharmaśāstras), *Vyavahāra* (judicial precedents), *Saṁsthā* (customs) and *Nyāya* (equity). The last should not be understood to mean the edict of the king for which Kauṭilya has another term—*Rājaśāsana*. It is important to note that according to Kauṭilya equity (*nyāya*) would prevail over Dharmaśāstra if in conflict.[3] This is a revolutionary idea—sense of fair-play taking precedence over the sacred law, when its original text was not available. Generally *nyāya* has been equated with royal edict (*rājaśāsana*), but Kauṭilya used the term *rājaśāsena* earlier, and it is more reasonable to distinguish between *nyāya* and *rājaśāsana*. *Nyāya* should be understood as 'equity'. So Kauṭilya does not include *rājaśasana* as a source of positive law. As a matter of fact according to traditions *Dharma* (law) was independent and even anterior to king and the *daṇḍanīti* was given to the king to enforce, and the latter had not created it. Kauṭilya has discussed the topics which are to be dealt in by royal edicts, and in this list law-making is no function of royal-edict (*rājaśāsana*).[4] *Rājaśāsan*a or royal edicts were issued as regulations for regulating the life of the common citizens in many spheres. We have already seen that the king controlled trade and commerce, ensured fair dealings between the producers and the consumers, the traders and the customers. The state regulated industries, agriculture, animal husbandry, and other human activities. Of

---

1. I.3.13.
2. II.1.29.
3. III.1.43-45.
4. II.10.23-24.

course, all this interference was within the general frame-work of promotion of *dharma*, but there is no doubt that these were enforced by royal edicts and defiance of these was punished in specially constituted magisterial courts to try such cases of violations. Thus *rājaśāsana* had quasi-judicial status, but it concerned with only matters of disputes between the king and the citizens; but so far as disputes between citizens were concerned regarding basic socio-economic order, the king had to enforce the (*Dharma*) law, which was independent of the king and his edicts.

So, legal disputes were classified into two major groups—(i) cases between the king (state) and the citizens (such cases as arising out of violations of king's regulatory orders or cases like treason etc.), and (ii) cases between citizens arising out of disputes regarding property, marriage, debt, credit, personal wrongs and assault etc. dealt in Dharmaśāstras. There were two different types of courts to try the two different classes of cases. The *Kaṇṭakaśodhana* courts dealt with the first types of cases and the *Dharmasthīya* courts dealt with the other type of cases, and the judicial procedure was also somewhat different.

Kauṭilya held that *Dharma*, *Vyavahāra*, *Caritra* and *Rājaśāṣana* were the four ways in which the disputes were to be solved, and the latter had precedence over the former.[1] He makes it clear that *Dharma* is fixed in truth, *Vyavahāra* in witnesses, *Caritra* in judicial precedents, and *Rājaśāsana* in the edicts of the king[2] Thus these four feet or means of settling disputes (*Vivādarthascatushpādaḥ*) really define the judicial procedure—the ways of trying cases and arriving at judgement. If the parties spoke the truth, the case was decided accordingly. But it must have been rather rare for parties in disputes saying the truth and nothing but the truth. Moreover it was not easy to determine as to what was the truth, so the next way of arriving at a decision was to call witnesses. This constitutes the procedure of *Vyavahāra* and it was given precedence over the first—the *Dharma* or Truth—because who of the disputant was speaking truth was not easily known. But witnesses may not be able to disclose the whole truth, and so recourse was taken to collective experience of men —*i.e.* according to the custom and precedents of the past (*Caritra*), and this was to take precedence over the former two procedures because the judge was on safer and sounder grounds of well recognised precedents. But the parties could remain unsatisfied, and the judge was unable to come to a decision in view of conflict between the precedents, in that case the king's edicts prevailed. This shows that the ultimate judicial power—the power to settle disputes —lay in the king. And this was natural, as the responsibility of the king for the maintenance of law and for just award of punishment was unchallenged. He was the enforcer of law (*dharmaparvartaka*)[1] and if he did not protect those who deserved protection against others in accordance with law or he inflicted unjust punishment he was denied of his place in heaven and had to suffer. The insistence was on absolutely impartial decision on cases irrespective of whether the friend or relation or enemy is involved because only on this the attainments of four ends of life by him depended.

---

[1] III. 1.39.

[2] III. 1.40.

As we have seen there were two types of courts—*Dharmasthīya* and *Kaṇṭakaśodhana*. They should not be confused with civil and criminal courts. *Dharmasthīya* courts dealt with not only disputes arising out of marriage, property, gifts, sale, mortgage, inheritance, but also with theft, robbery, defamation, physical injury, slaves and labourers, gambling, betting and others.[2] Thus many cases which would be tried in criminal courts today were heard in the *Dharmasthīya* courts. The test was whether the dispute basically was between citizens and had no implication for law and order in general, or the interest of the king (the state)was involved. The *Kaṇṭakaśodhana* courts were police-cum-magisterial courts which enforced the obedience of the king's various regulatory orders, and not only punished but apprehended criminals who broke or threatened peace (King's Peace) and endangered the lives and work of other citizens. So we can say that the *Dharmasthīya* courts dealt with the violations of the positive law (*Dharma*), the *Kaṇṭakaśodhana* courts were mainly

---

1. III. 1.38.
2. III. (relevant chapters)

concerned with breaches of law and order, threatened or actual, and were thus administrative courts. There is no doubt that government servants who were to be punished for dishonesty or dereliction of duty must have been tried in these courts. The procedure must have been rather of summary nature in these courts which were presided by three magistrates (*pradeshṭāraḥ*) of *amātya* rank. These courts must have been set up in different provincial headquarters at least. These courts concerned themselves with watching over the activities of artisans, traders, and regulated activities during natural calamities. They kept watch over officers and their subordinates of all departments. They also enquired into cases of sudden death, torture, mutilation of limbs of criminals and other heinous murders etc. Award of capital punishment, and torture for confession of guilt lay in the perview of these courts. The courts also had police and intelligence functions. They apprehended criminals about to commit crimes, and made secret enquiries into conduct of suspected persons. It is therefore clear that these courts had under them magistrates and police personnel to help them in their magisterial, judicial and police functions. The peace in the kingdom depended much on the working of these courts, and naturally therefore officers of ministerial rank were eligible as presiding officers of these courts.[1]

The *Dharmasthīya* courts, which dealt with disputes between citizens, were presided by three well learned judges in *dharma* (law). These three *dharmasthas* were again to be of amātya rank. For the convenience of litigants these courts were set up at frontier posts, in the *samgrahaṇas*, *droṇamukhas and sthānīyas*, and they tried disputes there. It is important to bear in mind that the judges of these courts were to be well versed in *dharma*; the judges of the *Kaṇṭakaśodhana* courts who were chiefly high-executive officers appointed to exercise judicial functions were also to be steadfast in *dharma* (law and justice).[2] There was no complete separation of executive and judiciary, and executive officers presided over the *Kaṇṭakaśodhana* courts. Another point to remember is that Kauṭilya always speaks of a bench of judges,

1. IV.1.1. (and other relevant chapters).
2. I. 10.3. *Tatra dhārṁopadhāśuddhān dharmasthiya—Kaṇḥakaśodhaneshu Karmasu sthāpayet.*

not a court presided by a single judge. However he does not mention as to what happened when judges differed, but there is no doubt that justice appeared to be more secure in a bench of judges (full bench) rather than in a single judge. Kauṭilya refers to courts in different territorial divisions and sub-divisions of the kingdom but does not indicate whether there was any gradation of judges or courts, or the judges of the same rank presided over all the courts in larger or smaller administrative units. Moreover while there was inherent right to appeal to the king, there is no evidence of a graded courts of appeal from one court to another higher court.

Let us now examine the judicial procedure, especially in *Dharmasthīya* courts. The plaintiff filed his suit and the clerk of the court registered the case, recording the time, place, date month and year of the filling together with the particulars of the plaintiff and the defendant. The judge scrutinised the records. The case began. The defendants and the plaintiffs gave their statements and also answered questions put to them by the court. The clerk of the court made full record of the entire proceedings, later to be approved by the judge. The court had to bear some necessary expenditure in summoning witnesses and other sundry expenses. Both the plaintiffs and defendant deposited money showing the earnestness of their appearance in the court. The plaintiff or defendant lost his case if he made statements contradictory to his first statement or if he changed grounds of dispute. Besides losing the suit, the losing party also had to pay a fine equivalent to 1/5 of the amount in dispute. The losing party had to pay for the daily allowances to the court peons who also received 1/8 of a *paṇa* daily for doing messenger's work in the case.[1] Witnesses played a key role in the settlement of disputes. Disputes regarding immoveable property were to be decided on the testimony of neighbours (as witnesses of course).[2] Boundary disputes between villages were decided by a group of persons of neighbouring five villages.[3]

---

1. III.1. 17-33.
2. III. 8.1.
3. III.8. 9-10.

For other types of civil cases involving property, debt, etc., witnesses could be cited by the parties in support of their contention. Not less than three trustworthy witnesses were required. But some were ineligible as witnesses. These were wife's brother, an associate, a dependent, a creditor, a debtor, an enemy, a cripple, one convicted or unfit to enter into transactions.[1] The king, *śrotriya*, village servants, leper, wounded, fallen men, caṇḍāla, those engaged in vile occupations, blind, deaf, dumb, self-praiser, women, government servants and men of the rank of the party concerned could not be cited as witnesses on behalf of the party in dispute.[2] The long prohibitive list shows how much concern was shown in assuring for the court unbiased or unprejudiced witnesses. However in cases of severe injury, theft, or adultry the prohibitive list of witness was much shortened and included only an enemy, wife's brother and an associate.[3]

A witness before deposition had to take the prescribed oath, according to his caste, *i.e.*, different oaths were prescribed for each of the four *varṇas*, and the judge used different formula to members of different castes exhorting them to speak the truth on pain of suffering sins.[4] If it was found that the witnesses gave false deposition, even if the truth was known long afterwards, they were heavily fined.[5] If witnesses from both sides depose the judge would decide the case in favour of the party on whose side majority of honest witnesses had deposed, or he could adopt the middle course. If the judge on the basis of contradictory evidence could not decide the case one way or the other, the sum in dispute went to the king's treasury. Witnesses also could testify about the veracity of oral or badly illegible written document of the plaintiff or a deceased person. Thus the wittnesses played an important role in judicial trials.

Witnesses were suitably fined for giving divergent replies to questions, or for giving false evidence. According to Kauṭilya a witness who does not testify to the truth was fined 24 *paṇas*.[1] If they refused to give evidence they were fined 12 *paṇas*. In case no witnesses were available the judge was to make personnel enquiries at the place of occurrence.[2]

---

[1] III. II.2.8.
[2] III. 11. 29.
[3] III. 11.30.
[4] III. 11. 34-37.
[5] III. 11.38.

Judges of the *Kaṇṭakaśodhana* courts were not only responsible for punishing the criminals whose guilt was proved, but had also to keep strict watch over anti-social activities of persons or groups, and had to make necessary investigations for detecting crimes or anti-social activities, and to apprehend the actual or potential culprits. They had to enforce agreement arrived at between workmen and managers of factory, enforce proper discharge of duties by watchmen, traders and even physicians in the interest of the common citizens. Strict watch was kept on actors, mendicants and wandering minstrels, who were suspected to be anti-social elements. Often torture was restored to extort confession of guilt from the apprehended hardened criminals.

Tortures were of four kinds: (a) six strokes with a stick, (b) seven lashes with a whip, (c) two suspensions from above, (d) the water tube (pouring salt-water through nose). For more grievous offences severer tortures were prescribed too.[3] As has been stated above suspected criminals were put to torture in the hope that in view of incriminating evidence he would confess the guilt. Sometimes fear of torture made even innocent to confess guilt. Ahi-Māṇḍavya declared himself to be a thief though not a thief, because of the fear of the pain of torture.[4] Therefore Kauṭilya is very particular that torture should be applied to only such suspects in whose case proof is fully obtained.[5] Person accused of small crime, minor, aged, sick, intoxicated, insane, hungry, thirsty or who had overeaten, who had indigestion or who was weak, was not to be subjected to torture. Pregnant women or women who had delivered only one month before were not put to torture even if their guilt was believed to be probable. In case of other women whose guilt was very probable, only half the intensity of particular

---

1. III.11.49.
2. III.13.32.
3. IV.8.21.23.
4. IV.8.12.
5. IV.8.13.

torture applicable to man was to be resorted to.[1] *Brāhamaṇa* suspects were immune, from torture, and any one who causes them torture was awarded highest fine. Torture was to be inflicted on alternate days, and only one torture one day. There was thus an element of mercy and consideration even in inflicting torture. The idea appears to be that the torture should be just enough to elicit confession from the most suspected criminals, and not to cause him unnecessary pain or death. But such suspected persons who had been proved to be guilty of a severe crime before, or a person who retracts from his earler confessions, or with whom stolen goods are found, or who was arrested committing the act of crime or who misappropriates king's treasury, could be made to suffer more than one torture collectively or repeatedly.[2]

What were the punishments awarded to accused whose guilt was proved? Fines, mutilation of limbs, imprisonment and death with or without torture were the main kinds of punishments. Imposition of fines was the most common form of punishment to the guilty, and even persons convicted of serious crimes could get his punishment compounded by fines. Even for minor offences, fines were imposed. An employee of weaving factory if he tried to look at the face of the women spinners was fined. Even a householder becoming a recluse without providing for his dependents was fined. Violations of regulations prohibiting or limiting killing of birds, fish or animals were punished with fines. A prostitute who did not accept a man commanded by the king to do so could be fined 5000 *paṇas*. Fines were imposed for violent crimes, which were classified into three grades. So we have fines in liue of *sāhesadaṇḍa*, so fines for (a) lowest, (b) middle, (c) highest amercement. It appears that 54 to 96 *paṇas* as fine constituted the lowest fines for violence. Traders were fined in accordance with the gravity of the violation of trade regulations and officers were fined for stealing or misappropriating government wealth.

Mutilation of limbs was another form of punishment. Megasthenes refers to it.[3] Women who did not carry out the contracted work of spinning had their thumbs or their tips, and the tip of the middle finger cut.[1] Pick-pockets or thieves committing first offence at holy places were liable to get their middle fingers and thumbs cut in liue of a fine of 54 *paṇas*.[2] Actually one entire chapter (BK. IV. 10) deals with the cutting of individual limbs. Even for small theft of a cock, dog, or cart was punishable with mutilation of limbs.[3] It is not known whether these terrible punishments deterred commission of even small crimes. But if Megasthenes is to be believed no locks were used in military camps.[4]

---

[1] IV.8. 14, 17-18.

[2] IV. 8.26.

[3] McCrindle, Megasthenes and Arrian. p. 70.

Imprisonment was another form of punishment. While Kauṭilya does not mention the period of imprisonment of the guilty for specific crime, reference to *bandhanāgara*, *bandhanasthāna*[5] suggest jails for convicts of both sexes. The fact that on birth anniversary of the king, on the full moon days, the city superintendent would release old persons, children, the sick and the helpless from the jail and again on every day or every five days, the *nāgaraka* should release those in prison by getting them to do work, by inflicting corporal punishment or by receiving the favour of cash in ransom, shows that imprisonment was a fairly common punishment. Persons of pious desposition or persons bounded by an agreement could give ransom for the offence.[6] These provisions clearly show that imprisonment of convicts was prevalent, but the convict could get their prison sentence commuted by paying ransom, or by offering physical labour in liue of prison sentence, or by paying ransom themselves or by getting the ransom money paid by a pious person or by the person with whom the convict had entered into arrangement for work. Forced labour in state mines in liue of prison sentence is referred to by Kauṭilya. Besides undergoing sentence in jail—*bandhanāgāra*-the convict or undertrial prisoners were kept in lock-up—*caraka* on the orders of the *pradeshṭāraḥ* of the *Kaṇṭakaśodhana* courts, and of *dharmasthas* of *Dharmasthīya* courts as the case may be.

The highest degree of punishment was capital punishment. A person who caused outbreak of fire deliberately was to be thrown

---

1. II.23-25. Kangle, Vol. II. note 15, p. 170.
2. IV. 10.1.
3. IV. 10.2.
4. The impression that locks not used by citizens in general is unwarranted. Kauṭilya has many provisions against theft and housebreak.
5. IV. 11.22.; I.18.6; II.5.15; IV. 9.22.
6. II. 36. 44, 45, 46.

into the fire.[1] Death penalty was awarded to an official who inserted a counterfeit coin into royal treasury. Counterfeiting of royal seal or decument was punishable with death.[2] To sell human flesh was a capital offence.[3] Stealing of temple property was punishable with death or the highest rate of fines.[4] Even for minor offences death sentence could be passed. A person found guilty of pick-pocket or theft could be sentenced to death if the magistrate so desired.[5] Causing death to a person entailed capital punishment and was often accompanied with torture if the victim died on the spot.[6] Theft of king's elephant, chariot or horse was a capital offence.[7] One who broke a dam holding water was drowned to death.[8] Killing a father, mother, son, brother or teacher led to death by setting fire to the head. A woman who killed the husband was sentenced to death being killed by bullocks. A non-soldier who stole arms was shot dead by arrows.[9] Thus we find that anti-social persons, deliberate murderers, harmers of king's military equipment were punished with death accompanied with torture.

The penal code was thus very strict. This might have a salutary effect on the criminals or potential criminals. But the kinds of offences, civil or criminal referred to by Kauṭilya make it clear that litigation was rampant and that many criminal offences must have been actually prevalent to claim Kauṭilya's attention.[10] It is quite clear from Megasthenes that criminals and other aggrieved persons had the right to directly appeal to the king, and Kauṭilya's injunction to be not excessively hard in wielding the Rod of punishment suggests that the king might have mitigated the suffering of the guilty, and we find later Aśoka trying to introduce human treatment to even those sentenced to capital punishment.

[1] II.36.25-26.
[2] IV.1.48.
[3] IV.9.12.
[4] IV.10-15.
[5] IV.10.16.
[6] IV.10.1.
[7] IV.11.1.
[8] IV.11.11.
[9] IV.11.18.
[10] Megasthenes, remarks that the Indian people are not litigatious have to be taken with some reserve.

The judges and the court officials were to appear to be just and considerate to the parties in dispute or even to criminals under trial. A judge was to be absolutely fair and impartial and punctilious in following the rules of business in the court. A judge who did not follow the prescribed procedure, who showed partiality, and imposed an illegal sentence was punished with fines. The court clerks, who are proverbially known to be unscrupulous in keeping records or recording judicial proceeding, were punished for improper and insufficient recording of the case, or the trial-proceeding. Persons who were in-charge of lock-ups in the courts (*caraka*) or of jails were severely punished for causing unnecessary suffering to the undertrial or convicts. A judge who threatened, upbraided, or sent away witnesses was fined, which was doubled if he abused the witness even verbally. If the judge imposed a fine not deserved by the guilty he had to pay double the fine.[1] The jailor was fined for illegally releasing the convicts from jail or putting into jail one not deserving to be so bound.[2] Special considerations were shown to the temples and weaker sections of society. The judge was required to look personally into cases in which property of (gods), *Bhāramaṇas*, ascetics, women, minors, helpless and sick were involved and even if they did not file cases themselves the judge was not to give ex-party judgement against them and had to make enquiries himself.[3]

However, caste considerations influenced judicial decisions and modified judicial procedure. The *Brāhamaṇas* were a privileged caste and the Śūdras the lowest in the ladder. When the entire socio-economic order was raised on the foundation of *Varṇāshramadharma* with inequality of opportunity as the basic feature, the judicial system could not remain unaffected especially when the chief duty of the king and the administration was to maintain the *Varṇāsharmadharma*. In the section on right of wife to remarry in case of absence of her husband, the wives of a Śūdra, Vaiśya, Kshatriya and Brāhmaṇa were to wait for one year increased successively by one year, if they have not borne

---

1. IV.9.18.
2. IV.9.22;III.20.19.
3. III.20.22.

children, for one year more if they had children.[1] In these provisions a Brāhmaṇa's wife has to wait longer than a Śūdra wife, naturally because for the Brāhmaṇa moral standard was to be higher. The property of all who died heirless lapsed to the state but the property of learned Brāhmaṇa was not to be escheated but rather divided among learned Brāhmaṇas.[2] Similarly sons of a Brāhmaṇa wife by the same Brāhmaṇa would get 4 shares of inheritance, sons by Kshatriya wife 3 shares, son by Vaiśya wife would get 2 and one by Śūdra wife only one share.[3] Brāhmaṇas were exempted from contributing in any way to village-show on festive occasions but were entitled to enjoy the show free.[4] We have already seen that Brāhmaṇa, Kshatriya, Vaiśya and Śūdra litigants were exhorted to take the oath and speak the truth in different terms by the judge. In the cases of libel the rate of fines for a Brāhmaṇa, Kshatriya, Vaiśya and Śūdra varied.[5] A Brāhmaṇa was not to be tortured,[6] he escaped being merely branded on his head as proof of his guilt. While serious crimes against the king were punishable with death—a Brāhmaṇa culprit escaped death and was punished with blinding.[7] Similarly Kshatriyas or Vaiśyas having illicit relations with women of higher *Varṇas* were punished with fines or loss of property but Śūdra culprit[8] lost his life.

---

1. III. 4.24.
2. III. 5.28.
3. III. 6.17, 19-22.
4. III. 10.43.
5. III.18.7.
6. IV.8. 27-29.
7. IV.11. 11-12.
8. IV. 13.32.

8

SOCIAL LIFE

KAUTILYA is a staunch champion of the *Varṇāśramadharma*. The society was vertically divided into four *varṇas*—Brāhmaṇa, Kshatriya, Vaiśya and Śūdra, and the first three were horizontally divided into four *āshramas—brāhmacarya, gārhasthya, vānaprastha and sanyāsa.* As provided in the Brahmanic religious literatures, Kauṭilya lays down the specific duties of the four *varṇas* and *āśramas*, and according to him their unflexible adherence "leads to heaven and endless bliss. In case of transgression people would be exterminated through mixture of duties and castes."[1] Marriage outside the caste and change of caste were prohibited customs in Magasthenes' time.[2] Kauṭilya prescribes, as a bounden duty, marriage in the same caste but outside one's *gotra.*[3] But society then as now could not be confined in a straight jacket. Love transcended caste, and even for other considerations actually intercaste marriages were being held and had to be taken note of. Kauṭilya refers to *gāndharva* marriages, *anuloma* and *pratiloma* marriages and cases of kings and Brāhmaṇas having wife or wives of different castes.[4]

The Brāhmaṇas, main duties were studying, teaching, performing, sacrifices, officiating at other people sacrifices, making and receiving gifts. They were astrologers, diviners and experts in occult practices. To protect their interests and to have better bargaining position, the priests could form unions or partnerships.[5] The *purohita* invariably of a Brāhmaṇa caste, enjoyed political influence and was one of the *mantrins*, and a constant

---

1. I. 3.14.
2. R.C. Majumdar, *India in Classical Literature*, p. 226.
3. I. 3.9.
4. III.5.14, 17, 19-20; III. 7.20.
5. I. 3,5; III. 14. 28-29.

counsellor of the king. The Brāhmaṇas appear to have enjoyed the monopoly of attending dinner at rites in honour of gods and manes, and persons inviting the Śākyas (Buddhists), Ājīvikas, des-harmony and other heretical monks were punished.[1] Kauṭilya here is supported by Megasthenes who states that the Philosophers (Brāhmaṇas) enjoy monopoly as performers of sacrifices and as diviners. They predicted about the seasons of the year and any calamity to befall.[2] The Brāhmaṇas did not only receive *dakshiṇā* in cash or in moveable kinds but even in lands. Kauṭilya allows Brāhmaṇa priests, teachers, learned in the Vedas to receive as gifts lands free from taxes and fines (*brahmadeya*) and such land could be inherited by their heirs. This property was not touched even during emergencies.[3] Even if there was no legal heir, this property could not be forfeited by the state.[4] It is significant to note that though some Brāhmaṇas were thus land-owners, there is no evidence that they themselves cultivated the land. On the contrary Megasthenes informs us that they were under no obligation of doing bodily labour at all or of contributing from the produce of their labour anything to the common stock.[5] The Brāhmaṇas Brahmana - brai. are exempted from taking part in such corporate activities like irrigation work etc. when all other villagers have to contribute by their labour or materials. Though contributing nothing in such productive activities, they were allowed to enjoy their share of benefit.[6] They could take salt for their food without making payment.[7] They were allowed to pick up flowers and fruits fallen on the grounds in gardens and even obtain rice and barley (from grocer's shops) for the *āgrāyana* sacrifices without making any payment.[8] The Brāhmaṇas enjoyed numerous judicial privileges. A Brāhmaṇa's son by his Brāhmaṇa wife got four shares of his property while born of a Kshatriya wife only three shares.[9] The

---

1. III, 20.16.
2. Majumdar, *op. ci.* p. 224.
3. II. 1.7; V.2.6.
4. III. 5. 28.
5. Majumdar, *ap. ci.* p. 224.
6. III. 10.44.
7. III. 12.33.
8. II. 24. 30.
9. **III.6. 17, 19-22.**

fines for libel against a Brāhmaṇa were higher than against men of other castes.[1] A Brāhmaṇa was not liable to torture.[2] These discriminatory legal provisions must have proved irksome and made judicial administration difficult. Aśoka's reform in establishing *daṇḍa-samatā* and *vyavahārasamatā* may have not only simplified law and legal procedure but also done away with the discriminatory provisions in law.

The Brāhmaṇas as a class not only enjoyed respect, privileges and gifts, moveable and immovable articles, they also exercised considerable influence on administration. There is little doubt that most of the judges, ambassadors and high officers, spies and soothsayers, astrologers were Brāhmaṇas. The *Purohita*, a *mantrin* and a member of the Selection Committee for high grades of officers, was invariably a Brāhmaṇa. The *Purohita* of the king was the symbol of the Brāhmaṇa hold over the state matters. The king had to follow the *Purohita* as a son his father or a disciple his teacher or a servant his master.[3] The Brāhmaṇa power could be of great advantage to the Kshatriya (the king) and Kauṭilya[4] believes that the Kshatriya power (the ruling authority) prospers on account of the support and counsel of the Brāhmaṇa (*purohita*). Fortunately Kauṭilya did not envisage Brāhmaṇas as a good warrior-class, because in his opinion it could be won over by the enemy by prostration before them.[5] But it is an irony of history that Pushyamitra Śuṅga, a Brāhmaṇa, was the *Senānī* of the Mauryan army and staged a *coup d'etat* ending the Mauryan dynasty.

The Kshatriya's in number were second only to the husbandmen, and they led a life of ease and freedom.[6] Their main duties were studying, performing sacrifices, giving gifts to Brāhmaṇas and protecting the people and wearing arms.[7] Thus

---

1. III. 18.7.
2. IV. 8.19.
3. I. 9.10.
4. I. 9,11.
5. IX.2.23.
6. McCrindle, Megasthenes and Arrian, p. 211.
7. I. 3.6.

they constituted the army and the executive authority—the ruling class in action. Of course in the army, there were Vaiśyas, Śūdras and possibly Brāhmaṇas as well, but the army consisting of the Kshatriyas was the best.[1] Many of them were high officers and some of them were cultivators. They weilded real power and were second to the Brāhmaṇa in social gradation.

The Vaiśyas were engaged in studying, performing sacrifices, making gifts and above all in producing wealth by taking to agriculture, cattle-rearing and trade (*Vārtā*). They were most populous class and by far the majority of the cultivators. Their cultivated fields were exempt from being run over by the army in march, and they were expected to devote wholeheartedly their full time to producing wealth, particularly grains, and were not to be disturbed by outside entertainment parties even. Being the main producing class, they were shown favours and concessions on numerous occasions. They paid most of the taxes as on land, produce and trade.

The Śūdras, the lowest in the social ladder, were given a place in the Aryan fold and Kauṭilya prohibits the sale of a Sūdra minor into slavery. Their main duties were service to three upper *varṇas*. They could take to agriculture and army as profession. Many were artisans and workers. Work by hand has been by traditions considered unwelcome for the three higher *varṇas*, and it appears that arts and crafts were practised exclusively by the Śūdras.[2] Actors and artisans were mostly Śūdras. Śūdras were hardworking and obedient, and Kauiṭilya prefers Śūdra cultivators in newly set up villages by the state.[3] Kauṭilya envisages an army of Śūdras also.[4] The Śūdras worked as labourers or hired workers under private masters or under the king in many capacities. The duties of the labourers and the protection of their rights have been detailed elsewhere in the book. However, most of the *vishṭi* (unpaid labour) must have been taken from members of the Śūdra caste. The system of *begari* is a blot in our society even to-day.[5] *Vishṭi* is one of the sources of revenue, as it saves expenditure but

---

1. VI. 1.11.
2. R.P. Kangle. *The Kauṭilīyan Arthaśāstra*, Vol. III., p. 143.
3. III. 1.2.
4. IX. 2.24.
5. The Indian government has banned bonded labour recently.

helps in income. Pounding grains, splitting pulses, frying, fermenting, pressing oils from handpress or round press with help of bullocks or extracting juice from sugarcane were work of the Kind which the labourer did unpaid (*vishṭi*). There is no proof that *vishṭi* was only a claim of the state (the king). Big cultivators, landowners, traders and businessmen must have obtained the benefit of *vishṭi* from their workmen for some specific minor works. However the king could defend his claim for *vishṭi* on the ground that the poor labourers who could not pay the 1/6 tax to the king in cash or kind was paying in the form of free hours of work. Megasthenes informs us that artisans worked for the state (free) for a certain number of days (Strabo XV.1.46). But there was every possibility of the system of *vishṭi* becoming a source of tyranny over the weakest and helpless section of the community. Kauṭilya warns against the tyrannical use of the *vishṭi* by government servants. The rigid stratification of society was highlighted by the fact that in the city separate cremation grounds for different *varṇas* were provided.[1]

Another canker that had entered the society was the system of untouchability. The Caṇḍālas were a despised class. They had separate well for using water and their residences were on outskirts of the cremation ground.[2] A Caṇḍāla touching an Āryan lady was fined 100 *paṇas*.[3] A *Svapāka* born of mixed-caste parents was an outcaste tribe.[4]

Slaves were known. There types, duties and rights are discussed in detail elsewhere. Suffice it to say that in the society and economy of the day the slaves played a very productive role but were not paid adequately.

Śūdras as a class were denied opportunity for education which was meant for three *varṇas* only. They were also not entitled to perform vedic sacrifices.

Education appears to have been mainly confined to Brāhmaṇa and Kshatriya *varṇas* who constituted the ruling classes. However,

---

[1] II. 4.21.
[2] II. 4.23.
[3] III. 20.16.
[4] III. 7.33.

Vaiśya also as a *dvija* was entitled to lead student life (*brāhmacaryāśrama*). No information about the actual system of education or the courses of studies are available. However, the Arthaśāstra refers to education of a prince. This must have been more or less true about the Kshatriya sand Vaiśyas also. Brāhmaṇas were generally accepted to be specialists in religious education and teachers belonged to the Brāhmaṇa class mainly. Education in real sense began after the *upanayana* ceremony, though even before that the child had learnt alphabets, and arithmatic. Among subjects taught Philosophy, Economics, History and Politics were most important. Study of History (*Itihāsa*) included studies of the Purāṇas, *itivṛta*, *udāharaṇas*, *ākhyāyjika*, *Dharmaśāstra* and *Arthaśāstra*. The princes or the Kshatriyas in general, were taught military science and the practice of using weapons of war. Writing was in use. Megasthenes, statement[1] that writing was not known to the Indians is certainly erroneous. Nearchus refers to writing on linen cloths.[2] Kauṭilya's chapter on 'king's edicts' assumes great development in art of writing and that of drawing up of different kinds of documents. The royal proclamation containing the decrees were to be known on the road, in the country and everywhere else, where common people would read it.[3] Aśokan edicts in different parts of the empire are well known and were meant to be read by and to the people. All this shows that literacy must have been considerable, and art of writing and engraving a developed technique. Kharoshti and Brāhmī scripts were known in the country, and the Greek and the Araemic were used in the north-west.

There is not much information about the *gārhasthyāśrama*, naturally because householders were common. *Vānprastha* and *Sanyāsa* were there all right. As a matter of fact due to religious movements culminating in the rise of Buddhism and Jainism, there were many able-bodied men and women who were giving up *gṛhastha-āsrama* and taking to the life of ascetics, and wandering monks. Kauṭilya believing in *vānaprastha* and *sanyāsa* as stages after the normal span of house-holder's life was over, did not appreciate this untimely desertion of the household duties for the life of a monk or nun. This was not only anti-Brahmanical but also according to him anti-social. According to him this was economically injurious to the state and had led to reducing many dependents to opeless conditions. Kauṭilya ruled that no one could take to monastic orders or become ascetic without providing for his dependents like minor sons, unmarried daughters or widows in the family. Inducing a woman, who had child-bearing capacity, into nunhood was punished.[1]

---

[1] Majumdar, *op. ci.* p. 270.
[2] *Ibid.*, p. 279.
[3] II. 10.46.

The main producing class was the Vaiśya in house-holder stage. The work of agriculture and trade were assigned to the Vaiśya householders in general. According to Megasthenes no one was allowed to change his profession or occupation easily.

In any society, marriage is one of the most important institutions. It was sanctioned by religion. *Brāhma*, *Prajāpatya*, *Ārsha* and *Daiva* were the traditional approved forms of marriage, while *Rākshasa*, *Paiśāca*, *Gāndharva* and *Āsura* were the four unapproved forms. But notwithstanding the disapproval of the Dharmaśāstras, actually marriages in either of the four unapproved forms were taking place. Society had to bear aberrations, departures forced by unforeseen circumstances or determined parties. Kauṭilya was wise and practical to take note of the social trends, and live with these. So he declared that with the sanction obtained from the parents of both the men and women concerned, the religiously unapproved marriages could be legalised,[2] and their progenies had the same rights in law on property etc. This was a progressive outlook and must have led to the recognition and ultimate integration of the families and children of such unapproved marriages in the social complex. Some youngmen and women in all times and countries are found to love and marry without prior consent of their parents. Such was the case in India at that time is noted by the Greek writers.[3] Kauṭilya, who believed in the orthodox doctrine of marriage inside the caste and outside the *gotra*, had to concede mixed marriages. He had already given recognition to Gāndharva, Āsura and Paiśāca marriages. It was impossible to insist that marriages under these forms must be confined in the same caste. He refers to a large number of mixed castes (*Jātis*) born out of marriages between members of different castes; of course such persons are placed low in social gradation.[1] Most of these like *Nishāda*, *Pārśava*, *Ugra*, *Ambasṭha*, *Kshatta*, *Māgadha*, *Vaidehaka*, *Sūta*, *Paurāṇika*, *Kukkuṭa*, *Pulkasa*, *Śvapāka* were assigned to the Śūdra caste. Many of these born of *anuloma* or *pratiloma* marriages were probably between non-Āryan and Āryan tribes, and Kauṭilya was trying to integrate these into Brahmanic social order. Marriage by natural consent of youngmen and their spouses were prevalent according to the Greek sources.[2] However Kauṭilya does not refer to anything like a *svayamvara* or marriage by success in some archery test or wrestling as referred to by Arrian.[3] Such marriages if consummated could not be confined within the state.

---

[1] II.1. 29-30.

[2] III. 2. 2-10. Consent of only father was necessary in the first four kind of marriages.

[3] Majumdar, *op. cit.*, p. 240.

In the approved forms of marriage the bride and even the bridegroom had no free choice or were not even consulted. They could be married without knowing each other's physical disabilities (even sexual defects). So parents had the major share in such arranged marriages and go-between (*varayetu*) had a good time. The prevalent custom was that the girl to be married was to be shown to the bridegroom's family and their approval obtained. Often parents of an ugly and defective girl showed instead some other presentable girl to the proposed party to win approval of his proposal. Such trends on the part of bride's parents show how difficult was then, as to-day, to arrange marriage of a girl who was not beautiful nor free from physical defects. The unfortunate but un-scrupulous father of such a girl was punished with a fine of 100 *paṇas*[4] and the marriage if already performed was revoked. This insistence on beauty of the bride-to-be was fully in operation in the state of Saubhūti 'where wives were selected only for their beauty.'[5] To avoid unhappy and unfruitful marriages the father

---

1. III. 7. 20-33.
2. Majumdar, *op. ci.* p. 240.
3. *Ibid.*, p. 224.
4. IV. 12.14.
5. Majumdar, *op. ci.*, p. 170.

of his newly married girl was fined 96 *paṇas*, return of *śulka* (dowry) and woman's property (*strīdhana*) to the bridegroom's father if the girl's sexual defects were not disclosed before hand. But bridegroom's defects did not go unnoticed, and any go-between (*varayetu*) who arranged the marriage without disclosing the defects of the bridegroom was punished double the fine, *i.e.*, 192 *paṇas* and also the *śulka* and *strīdhana* were forfeited.[1] Marriages could be revoked till the time of *pāṇigrahana* but no marriage could be revoked after the birth of a child.[2] Under such circumstances when finding a suitable bridegroom for a daughter was not easy, it was possible that many girls remained unmarried long after puberty. In such cases girls having illicit relations and giving birth to children were not unknown. Kauṭilya refers to the offspring of maiden (*kānīna*). Often when their daughters were in such a delicate state the marriage was arranged, and the husband was, in law, the father of the child in the womb.[3] Marriage after losing virginity is envisaged.[4]

The girl received dowry (*śulka*) from the bridegroom's side, and the presents that she received from her parent's side or from her husband's family became her property (*strīdhana*). The situation was just the reverse to-day, and there is no evidence of a sale of a girl for marriage in a market as noticed by Aristobolus,[5] unless it was a special case in the Punjab. A wife's economic position was not helpless in the Kauṭilīyan society.

After marriage, both husband and wife had their conjugal rights guaranteed, and no party could refuse marital rights to the other except under special circumstances.[6] A girl obtained puberty at the age of 12 and a boy at the age of 16. Girls were to be married not much later than 12.

---

1. III.15. 14-15.
2. *Ibid.*, 12-13.
3. III. 7. 10-11.
4. III. 6.13.
5. Majumdar, *op. ci.*, p. 277.
6. III. 3. 1-2.

The society was aware of the need for sex by young wives. So if a husband was away for more than stipulated number of years and had left no child or provision for maintenance, the wife was allowed to remarry. Even having relations with another man and getting child from him in the long absence of her husband was condoned, if the man belonged to the same *varṇa*.[1] Generally such a second husband, specifically for procuring a son, was the brother or a *śapiṇḍa* of the husband.[2] This custom known as *niyoga* in the ancient literature is frequently noticed to in the Purāṇas and the Epics. A wife had the right to abandon a husband who had become outcaste, settled in a foreign land or had become impotent.[3] The wife was then free to remarry. These provisions present a picture of the society in which woman's rights of sex and happy marriages were assured as against neglecting husbands. The break-up of such marriages or permission for sexual relations outside the husband, were ex-party, *i.e.*, could be claimed by the wife irrespective of the wishes of her husband.

But there could be cases of husband and wife both feeling sick of their unhappy marriages. Could they have no remedy for the die cast for once? No divorce was allowed in certain cases. If the wife pressed for divorce against the will of her husband, she had to forgo whatever she might have received from her husband whom she was divorcing now. If the husband was for divorce against the wishes of the wife, he had to return whatever he might have drawn from her wife's wealth. If no mutual agreement was possible, then either party could end the unhappy situation with some financial loss. However, Kauṭilya prohibits divorce in cases of approved marriages.[4]

Widow remarriage was prevalent. If the father-in-law approved this marriage, she could keep all the property she had received at her husband's house, but had to forgo it if the re-marriage was

---

1. III. 4. 24-25, 28, 29.
2. III. 4. 37-40.
3. III. 2.48.
4. III. 3. 15.19.

without the consent of the father-in-law.[1] Son of a remarried woman was an heir to his father.[2]

There could also be separation between husband and wife. A wife disliking her husband could, relying on her *strīdhana* and ornaments, consent to her husband having relations with another woman; similarly the husband disliking his wife could allow her to stay alone in the family of a female mendicant, a guardian or a kinsman,[3] and if the latter chose to live at a place other than her husband's house, the husband had to provide for maintenance in one lump sum or pay in instalments and also provide for food and clothing to her and her minor children.[4] This had to be done even if the wife had not received any dowry, *strīdhana* or compensation. This anxiety for the proper maintenance and provisions of a separated or neglected wife was so much in the mind of Kauṭilya that he provided that women, who may or may not have children, were to be maintained by trustees or kinsmen during the stipulated period of waiting for the husband having gone away without providing for maintenance.[5] A wife could have children by one appointed (*niyuktena*) to beget child on her; such a son was known as *kshetraja* and the appointed begetter could belong to the same *gotra* or to a different *gotra*.[6] Though the word *niyoga* does not appear in the Arthaśāstra, the custom was quite prevalent as seen from the rules framed by Kauṭilya. Kauṭilya clearly states that on wife of an impotent husband his kinsmen could beget son from her for him.[7] The king could even get a son born to him or even he could get sons begotten on an appointed daughter, if his only son was 'full of harms.'[8] All these measures, child marriages, second marriage of a wife, widow remarriage and *niyoga*-system were designed with only one dominant motive—to assume more and more procreation. Women with child-bearing capacity had only one justification that was to produce children, particularly sons. The mother is only leather bag for holding the seed.[1] Therefore nothing was left to chance, and a woman whether married or unmarried even, could not be denied the right to give birth to children by lawful husbands or by appointed persons. This age was far far away from the cry for family planning.

---

[1] III. 2. 21-23.
[2] III. 7. 12-13.
[3] III. 3. 12-13.
[4] III. 3. 3-6.
[5] III. 4. 24-26.
[6] III. 7.6.
[7] III. 5.33.
[8] I. 17. 47-49. *Apāyanityo dharmārthadvestī ceti durbuddhiḥ /Sayadyekaputraḥ putrotpattāvasya prayotet* (*viyatet*) (*I*) *Putrikāputrānutpādayedvā* (*II*)

In such a society where more and more children were welcome polygamy was natural. A Brāhmaṇa, a Kshatriya, a Vaiśya and a Śūdra could have many wives, even of different *varṇas*.[2] Only economics was the limiting factor, and the assurance of the former wives' security. If a man could pay suitable dowry, *strīdhana*, and compensation for supersession of the former wife, and give suitable maintenance to her, there was no limit to his having a number of wives.[3] A husband could marry again after watching for a stipulated period if the wife was barren, had given birth to dead child or had produced only daughters.[4] The former wife lost all right to compensation or even *śulka*.[5] Only if the husband remarried without waiting till the end of the stipulated period, the former wife was entitled to maintenance, her *śulka* and *strīdhana*.[6] This further strengthens the impression that the wife's only utility was begetting children,[7] particularly sons, and she had to suffer for no fault of hers.

Women (of the upper classes) had no freedom of movement or company. If she left her husband's house she was fined and also he who gave shelter to her. Only in case of ill-treatment and insult meted out to her, she could go to a neighbour's house or to a kinsman or to a village headman, trustee or guardian or trader. Of course on occasion of death, illness, calamity or childbirth she had the right to visit her kinsmen.[8] Otherwise on going to another village leaving the house of the husband she was punished with

---

1. III. 7.2. However it has to be conceded that the aforesaid provisions resulted in mitigatiug the evils of a rigid norm-oriented and religion-ridden society,
2. III. 7.20.29.
3. III. 2.41.
4. III. 2.38.
5. III. 2-38. (by implication).
6. III. 2. 38-40.
7. III. 2.42.
8. III. 4. 1-3-7, 9-13.

fine of 12 *paṇas* and loss of endowment and ornament.[1] A wife could not go to a show put up by women even or on a pleasure trip even in day time and in the company of women without the consent of the husband. If she went to a show by men and with men she was to pay heavier fines.[2] The same offence committed during night meant double fine.[3] All these prohibitive measures were motivated by the society's anxiety to assure even by force complete fidelity of the wife to her husband. Some sort of *purdah* system appears to have prevailed. Sexual morality really amounted to the wife having no relation with man, of course if the husband was capable of begetting a child. But such prohibitions in themselves indirectly suggest that in the society there were cases of wives having or attempting to have carnal relations with men other than their husbands. These when detected were severely dealt with. Even a man and a woman, with sexual intercourse in view, indulging in indecent gestures, conversing in secret, touching the body of each other were committing crimes punishable with appropriate fines (more for man than the woman), and guilty women could receive five strokes with lash by a Caṇḍāla.[4] Even making gifts to one another when forbidden to do so was punishable.[5] To assure women's chastity, specially of higher classes, they were kept in seclusion and were not to be seen in public. Even Aśoka refers to separate apartments for women.[6] Women of respectable classes who did not go out but had to work for living were to receive yarns from the weaving establishment through maid servants.[7] Of course women of lower classes such as dancers, wandering minstrels, fishermen, fowlers, cowherds, vintners could move out in company of other men. Women of lower castes enjoyed more freedom.[8]

Women had limited property rights. *Śulka* given by the bridegroom's father or given to his daughter by the bride's father, and presents received at her father's and father-in-law's place constituted her *strīdhana*. She also was entitled to maintenance,

---

1. *Ibid.*, 16.
2. III. 3.21-22.
3. *Ibid.*, 22.
4. III. 3. 25-27.
5. *Ibid.*, 30-31.
6. R.E.V., VI.
7. II. 23.11.
8. III. 4. 22.

which she could use in maintaining her children or providing against diseases and calamities. The husband and the wife could together use this property (*stridhana*), when a son or a daughter was born to them.[1] While in the approved forms of marriage, the account of the *stridhana* was in the control of the husband, in the unapproved forms of marriage, the control over *strīdhana* vested completely in the wife.[2] This is another instance to suggest that women of lower classes who may have ultimately ~~descended~~ from non-Ār~~yan~~ tribes had more rights and freedom. Even such wives by the approved forms of marriage who separated from the husband had right over the remainder of the *śulka* and entire *stridhana*. Widows who did not remarry had complete custody over her ornaments and the remainder of the *śulka*. Rich widows lived independently and often in apprehension of being robbed or duped in confidence and outraged of their misery or used as decoys for enemy.[3] A woman on remarriage got *strīdhana* and *śulka*. She had the right to bestow her property received from her different husbands to sons born of the respective fathers. If a widow had no issue and she did not remarry she retained the full control over her property till the end of her life. On her death the property could be divided between her sons and daughters, and in their absence it went to her husband.[4] Of course it was quite proper for a widow who remarries to forgo what was given to her by her late husband, but she could retain it if she decided to live a pious life of a widow. Similarly if she married against the wishes of her father-in-law, she forfeited what she had received from her father-in-law or late husband. If she remarries, even when a son was born to her, her sons would receive her *strīdhana*.[5] Women could settle their *strīdhana* on her sons born from different husbands as received from respective husbands.[6] Daughter born of approved forms of marriage could inherit the property of her father if the latter had no sons.[7] A daughter's son was preferred

---

1. III. 2.16.
2. *Ibid.*, 18.
3. III. 20.16; XIII.2.42.
4. III. 2. 19-26.
5. *Ibid.*
6. *Ibid.*, 31.
7. III. 5.9.

to the ~~daughter~~ as he was equal to that of a son.[1] Daughter had no claim on personal belongings of her father and sisters could get as share only bell-metal dishes and ornaments of mother's personal belongings.[2] It is thus clear that compared to husband, son, or brother, the wife and daughter or sister had very limited rights. Kauṭilya is clear about this as he says that a woman could enjoy her *strīdhana* till the end of her life; after that it shall go to her heirs as a woman's property is meant for calamities (emergenceis) only.[3] Woman lost all rights over her property—*strīdhana* and *śulka* if she was guilty of disaffection towards the king, of running away willingly and of misconduct.[4]

Women were not assigned much property and even personal rights in other ancient civilizations also. Basham may be right in holding, "the property rights of women, were limited though they were, greater (here) than in many other early civilizations." Women could not get the opportunity for higher education. Child marriage and child-bearing and house-keeping kept them engaged. It may also be that menfolk who wanted to keep their hold on women did not trust them with high education. Megasthenes had the impression that the Brāhmaṇa husbands did not admit their wives to their philosophy because the wives after having been properly educated would not brook the control of their husbands.[5]

Summing up, we can say that the position of women in the society was not edifying. A woman was mere property of another and was a mere leather-bag (for holding the seed).[6] She was conceived as a child-bearing machine and was therefore to be married immediately after attaining the age of puberty at twelve. Child-marriage for a girl deprived her of higher education and also made her suffer child-bearing periods frequently. Polygamy went against their interests and though being wives of the same man, their status and the status and property-rights of their sons varied according to the *varṇa* of the mother.[1] Rules for chastity were more rigorous for them than for men, and their rights over property much less than those of men. Seclusion of women was current and restrictions on freedom of their movements were imposed. But in spite of these orthodox conservative ideas, cases of free love, illicit relations, and births of children by unmarried mothers were well known. Even married women's promiscuity was duly noted. However it has to be conceded that the state and society was very particular in assuring them maintenance, in granting them limited property rights, and in helping them in earning of livelihood with honour and above all woman's personal honour was duly protected, and crimes against women duly punished. Analysing the significance of the four approved and the four unapproved but legalised forms of marriages one may hazard a guess that the four so-called unapproved forms of marriages were originally in general currency among the non-Āryans, and later when the latter were assigned a place in the Hindu society, their marriage forms were, though given lower priority, probably taken advantage of by Āryan adventurer young boys and girls of the higher *varṇas* rather quite considerably, and so Kauṭilya, albeit reluctantly, had to place them within the legal framework. But it goes without saying that the lower classes had more freedom in choosing their life-partners, in selecting their professions, and in enjoying the zest for life. While there were hardly any economic professions open to higher *varṇa*-women, women of the lower *varṇas* could take up the profession of dancing, music, acting etc.

---

[1] III. 7.5.
[2] III. 6.8.
[3] III. 2.33. (*āpadartham*).
[4] III. 3.32.
[5] C.H.I. p. 419.
[6] III. 7. 1-2.

The position of the slaves has been treated elsewhere in the book.

Joint-family was the prevalent system. The family consisted of more than one generation living under one roof. The father as head of the family had many rights over his children but he had not the right to sell or mortgage a minor son, nor could he treat his son cruelly. A father was sentenced to death with torture for causing death to his son.[2] A father had to take care of the minor children, aged parents, and widows in the family and arrange for the marriage of the daughters. He was not allowed to take to monastic order without providing for their maintenance. If the head of the family died, his eldest son had to look after and support the younger brothers even if the father had left no property.[1] Even the marriage expenses of the younger brothers were to be borne by the elder brother and he had also to foot the bills for the marriage of his sisters or other unmarried girls in the family.[2] Partition of property in the lifetime or after the death of the father was allowed, and sons of different wives belonging to different *varṇas* were entitled to different proportions of the property. *Varṇa* of the father and mother determined to a great extent the amount of share in father's property.[3] There were many types of sons including adopted, and *kshetraja* etc.[4] It was the duty of a person with means to maintain his children, wife, his father and mother, his minor brothers and his unmarried and widowed sisters.[5]

---

[1] II. 4. 24-28: II. 6.13, 17, 20-23.

[2] IV. 11.13.

Food and drink habits of the people have been dealt elsewhere in the book.

No society can exist without providing for entertainment, sports and festivities. These lighter sides of a society are as basic as their serious preoccupation with productive activities. The Kauṭilīyan state provided for numerous festivities, social gatherings and sports. Drinking was a pastime for many tired of hard work. Drinking has been discussed in detail elsewhere. It was regulated in public and private interest. Gambling was a very ancient pastime and we find dices and boards in the Indus Valley Civilization. Gambling with dice and cowriec-shells was in vogue, and the state regulated it, and obtained revenue from it.[6] Prostitutes existed. Kauṭilya regulated prostitution and the state earned substantial share of the earning of the prostituties. Fees of prostitues were fixed. There were prostitutes maintained by the state and they paid taxes to the king. Even women of high family maintained brothels under the knowledge of the government and had to pay taxes for this. The *gaṇikās* were well trained in music, dance, painting, shampooing and even in the art of conversation.[1] They were a highly cultured lot. Even the king maintained courtesans as his personal companies on a salary of 1000 *paṇas*. Besides the accomplished *gaṇikās* and royal courtesans, there were young and beatiful women, who as in every age and place, live by selling their youth and beauty. These *rupājīvās* were licensed, medically examined and treated, and charged to pay double the normal fee as tax every month charged by them for a day.[2] Prostitutes could be useful as spies[3] a fact noted by Megasthenes also.

---

[1] III. 3.18.
[2] III. 5.21.
[3] III. 6.17-22.
[4] III. 7.4-17.
[5] II. 1.28.
[6] III. 20.1-11.

Performing, witnessing acting, dancing, mimicry, magical feats, acrobatics on rope, dancing, vocal and instrumental music were healthy and popular forms of entertainments. Teachers who gave training in these arts were maintained by the state.[4] However it appears that sons and daughters of higher castes were not taking to these forms of public entertainments. Courtesans and female slaves[5] were trained by competetent instructors in music, playing on flute, drums and lute, in dancing, singing, calligraphy, acting and painting, and in the art of conversation, of preparation of perfumes and garlands. Sons of courtesans were trained to be actors and dancers. There were courtesans and female slaves whose livelihood was acting on stage.[6] Dramatic performances, mimicry and satires were popular forms of entertainment. A large size terracotta and mask (*pratiśīrsha*) of man's head has been found in the Mauryan level at Chirand in Bihar. Dancing, music, acrobatics, operas and dramatic performances were provided by touring troupes and were so popular that they were not allowed to enter villages as their performances would attract agriculturists at work and thus hinder agricultural activities, and would thus harm the economic interests of the state and the cultivators.[7] They, were particularly required not to move during the rainy season, the

---

1. II. 27-28.
2. II. 27. 27.
3. *Ibid.*, 30.
4. *Ibid.*, 28,
5. *Ibid.*
6. *Ibid. gaṇikādāsī raṅgopajīvinīḥ.*
7. II. 1.33-4.

CC-0. Agamnigam Digital Preservation Foundation, Chandigarh

main agricultural season. In the interest of production and all year round engagement of the agriculturists permanent recreations halls were not to be provided in the villages.[1] Most of the performances must have been out-door performances or in stadiums temporarily put up. But the villagers could by cooperative efforts put up shows for themselves, and one who did not contribute to putting up the show was not allowed to witness them himself or with members of his family.[2] As we have seen women certainly of higher classes were not supposed to enjoy witnessing the shows with menfolk, and so there appears to have been stage-shows exclusively by women and for women, where wife could go with the consent of the husband.[3] If in temptation to witness these entertaining performances to escape drudgery of daily village life, some women took the risk of visiting these performances, by men or women held in day or night, without taking the permission of their husbands, they were suitably punished.

Boat-racing and swimming were forms of recreation for the king, and could certainly be taken to by common people. Ox-race, ox-drawn chariot races, horse-drawn chariot races, and annual fights were prevalent popular entertainments referred to by Classical writers.[4] Aelian informs us that Candragupta Maurya witnessed wrestling between men and also fights between horned brutes—like wild bulls, tame rams, unicorns, and hyaenas. Elephants also joined this battle. Stakes were declared on the fighting animals and racing chariots. The king and high nobility also witnessed and put wagers on the fight.

Sometimes these entertainments including acrobatics could be dangerous and Kauṭilya deeply interested in the safety of the king provides that the actors will not use weapons, fire, or poison during their performances.[5] This shows that these were used ordinarily by the performers, and in a country where wood and grass predominate in architecture playing with fire could be dangerous.

---

[1] *Ibid.*

[2] III.10.37-38.

[3] III.3. 21-22.

[4] Majumdar, *op. ci.*, pp. 260, 417.19, 481.

[5] I. 21.16.

Musicians and actors etc. were paid salaries from the state exchequer and they must have entertained the king and the court. Kauṭilya refers to musical instruments like *vīṇā* (lute), *Veṇu* (flute) and *mṛdṅga* (drum).[1] People also enjoyed special occasions provided by the ceremony of the washing of king's hair or the king going in procession on a golden palanquin with full regalia.[2]

There were certain important popular festivities accompanied with feasting, drinking, music, dance and pantomimes. *Yātrā, samāja, utsava* and *prahavaṇa* are referred to.[3] *Yātrā* could be a kind of procession, probably religious, giving a spectacle to watch and participate for common people. *Utsava* was a festive occasion providing merriment and could be held on occasions of social and personal happy moments. Picnics accompanied by feasting and drinking could be arranged by a kindred group of people. By this *prahavaṇa* was meant. It is in such arranged picnic (*Prahavaṇa*) that the spies of the king put the ministers to tests of fear.[4] The king witnessed *yātrā*, dramatic shows, watersports, and he joined the people in festivities (*utsava*). Samāja was social meet at which people gave themselves up to feasting and drinking and meat-eating particularly and in general relaxed and enjoyed themselves. Kauṭilya[5] allowed unrestricted drinking of wine for four days on these occasions. Vintners appeared to have good business selling drinks at *utsavas* connected with gods and funeral rites and in *samājas*.[6] The *samājas, utsavas* and other socio-religious gatherings and fairs were fully enjoyed by the people, and therefore Kauṭilya advised the conquering king (*vijigīshu*) to show respect to the *vihāra* (Sporting amusements) and *samājas* of the conquered people and their festivals) (*utsavas*) connected with gods to win their loyality.[7] *Samājas* according to the Jātakas were often arranged to meet at the initiative and instance of the king in the king's palace-court-yard provided with pavilions for sight-seers.

---

1. II. 27.28.
2. Majumdar, *op.ci.* pp. 105, 280
3. I. 21.28.
4. I. 10.9.
5. II. 25.36.
6. XIII. 3.56.
7. XIII.5.8.

Actors gave their performances every six monthly or annually at a *samāja* before the king at Rājagṛha.[1] This clearly shows that entertainments and social gatherings for enjoyment were an important part of the life of the people, and naturally the king patronised these. These could serve an occasion for the king meeting the people (*janadarshana*). Aśoka while banned such *samājas* which were associated with large-scale meat-eating did not abolish the festival and enjoyment side of the innocent *samājas* which were continued to be held.[2] He also provided in them feasts for eyes and soul by arranging for celestial sights like *hasti*, *agniskandha*, *vimāna*[3] probably associated with religious processions like of which have always been vehicles of enjoyment and fun together with giving religious satisfaction.

Love of gaity was an essential character of the Indian people from early times. They wore gay-coloured cloths and dyed their beards in blue, red and green.[4] They wore cloths made of cotton and used woollen and silk dresses also. They used undergarment and upper garment. Love of ornaments is an ancient Indian trait. From the Indus Valley Civilization onwards, ornaments of various kinds, shapes and of different materials have been worn by men and women. Terracottas and sculptures of the Mauryan period give feast to the eyes in the shape of variety of beautiful ornaments adorning different parts of the body. Ornaments of gold, silver and even terracotta (for poor) were made, and Kauṭilya has referred to as we have seen above, gold ornaments and ornaments of precious stones. Besides ornaments, cosmetics were in use and we have found numerous antimony rods in Mauryan strata from excavations. Preparing perfumes, garlands and shampooing were arts for which instructors were engaged, and paid by the state.[5] King and women used various kinds of unguents, perfumes, powder and bath-cosmetics for toilet and dressing.[6] Desire to use perfume and flowers for personal use was not confined to

---

1. Jātaka (Cowel Ec.) II. p. 253; IV. p. 450 *fn.i.*
2. R.E.I.
3. R.E.IV.
4. Majumdar, *op.ci.*, pp. 270, 230.
5. II. 27. 28.
6. I.21.12-14; II. 25.28.

the royalty, nobility and to women. Even poor workers in factories were offered flowers and perfumes for better performance or as incentives for good work.[1]

Use of other conveniences was naturally possible for men of means only. Such people used fans, sunshades or umbrellas or wore high-healed shoes of leather. Even they engaged courtesan as bearers of parasol or umbrellas and fans.[2]

Summing up one can say that people with means lived in pomp and grandeur. They wore gay dresses, adorned themselves with costly ornaments, and entertained themselves by requisitioning the services of musicians, singers, mimic-men, or story-tellers. They could show off by engaging fan-and umbrella-bearers following them in public and they had a host of servants as shampooers, waitors, bed-preparers, barbers, bath-attendants, water-carriers, shoe-bearers and cooks of course.[3] Candragupta Maurya lived in a glittering palace enjoying all possible luxuries. High nobles and officers must have followed his way of life more or less. But the common people had to content themselves with witnessing shows arranged by the royalty or high-ups or with organising their own modest shows, and participating in public social and religious fairs festivities—*utsavas*, *samājas* and *yātrās*. For ornaments they had to satisfy themselves with terracotto, copper ornaments or of cowrie shells. There is little doubt that the standards and the ways of life of the rich and the poor varied significantly, which is illustrated by the wide gap in the salary scale of government servants—48000 *paṇas* and 60 *paṇas*.[4] Slaves, labourers and broth-makers had to depend mostly on broken grains and spoiled liquor.[5]

Belief in astrology and superstitions was part and parcel of every Indian's life as to-day. Fortune tellers, sooth-sayers, astrologers had nice time and even the king employed and paid them.[6]

---

1. II.23.8.
2. II.27.4· Majumdar, *op.ci.* pp. 230. 270.
3. 1. 12.9.
4. V.3.3-17.
5. II. 15.61; II.25.9.
6. V.3.13.

The king daily consulted the astrologer and *purohita* about his luck for the day.[1] Common people must have also been consulting professional astrologers and fortune-tellers on the-streets. Many kinds of superstitious ceremonies (*maṅgalas*) were performed on different occasions by women particularly such as on occasion of journey, on birth of a child, or during illnesses. Aśoka a rationalist considered these useless and discouraged them. We do not know the extent of success attained by Aśoka. Hold of superstitious beliefs is too strong to be brushed off by people. Search for good omens was so intense that many demi-sciences such as interpretations of marks on the body of man (*Aṅgavidyā*) or magic (*māyāgatvidyā*), science of omens (*nimittam*) even sciences of omens of birds, cries of jackals and others, were flourishing.[2] Fire was worshipped to avoid outbreak of fire, river was worshipped to avoid floods (on *parṇas* days), spells were used by experts against rain. In case of draught worship of Indra, Gaṅgā, mountain and Mahākaccha was recommended, diseases and epidemics were to be combated by magicians with secret means, and by ascetics by pacificatory or expiatory rights, by milking cows in cremation grounds or by burning effigies and worshipping Mahākaccha. Even worship of rats was recommended to ward off danger from rats.[3] Lustration rites and worship of deities were believed to remove epidemics among cattle.[4] People believed in efficacy of magical rites for gathering wealth, for opening the doors of the kings, court, for curing diseases and for winning beloved's heart.[5]

The impression of the general social discipline prevailing in the time on the mind of foreigners may be summed up in the words of Strabo (relying on Megasthenes), "People lived frugally and observed good order. They left their houses generally unguarded and possessed good sober sense."

---

1. R.E.IX.
2. I. 12.1.
3. IV. 3.5-15.
4. I.19.23.
5. V.2.59.

9

FOOD AND DRINK

In the *Arthaśāstra* of Kauṭilya there are references to many kinds of food and drink. Food included cereal preparations, vegetables, sugar-product, milk and milk products and fruits, and meat and fish. Meals of cereals like *kodrava*, *varaka* (Phrascolus Trilobus, inferior grains), *udāraka*, *panicum*, *priyaṅgu* (millets), of *Vṛthī* and *śāli* (best kind of) rice, barley (*camasi*), *mudga*, (muṅga) *māṣha* (beans or pulsa), *sāmbya* (Simbi in part ligume) and *masūra* (pulses or flour) of *godhūma* (wheat), barley (*yava*) *pulāka*, (special kind of grain or rice cooked in water), ground flour, cooked flour, *kulmasha* (boiled and half cooked rice?), ground or baked pulāka (*pulākaḥpishṭam ca siddham*). Fried or crushed rice or barley (*lājābharujā*) are mantioned.[1] *Pūpika* (bread-cakes) is mentioned.[2] Among legumes or lenlits (*kalāya*) and *masūra* are representatives. Dried fish and meat, bulbous roots (*kaṇḍa*) roots (*mūla*) fruits and vegetables were included in the vegetables class (*śākavarga*).[3] Cooking mediums were clarified butter (*ghee*), *śarpisa* oil (*taila*), serum of flesh (lard) and marrows; these were fats (*snehaḥ*). This shows besides vegetable oil and ghee, animal fats were also used. Oil from *atasī* (linseed), *nimba* seeds (Azardirachta Indica), *kuśāgra* and *kapitṭha* (Feronica Elephantum) (*mahua*?) from *tila* (seasame), *kusumbha madhaūka* and *iṅgudī* were used.[4] Clarified butter from cows and buffalos milk was obtained. One *prastha* of ghee was normally obtained from a *droṇa* of cow's milk, 1/5 more from that of she-buffalo. Goats' and sheep's milk yielded still more.[5] In preparation of vegetables, meat and fish, spices and salt were used. India has been famous for spices, and in early centuries of the christian era Roman dishes

1. II. 15.25-36.
2. XII. 4.8.
3. II. 15.21.
4. II. 15.38-40
5. II. 29.35.

with Indian spices were quite popular in the west. Kauṭilya refers to a number of spices (*kaṭukavarga*) such as long pepper (*pippalī*), black pepper, (*marīca*), ginger, cumin-seed, the bitters (*kirāta*), white mustard (*gaurasarshapa*), coriender (*kustumburu*), *coraka*, *damanaka*, stalk or *sigru* and others.[1] Salt from the Indus land, from sea, biḍa-salt, salt-petre, borax and salt from saline soil are referred to.[2] Fish and meat products appear to form a part of meals. Flesh of certain animals and birds were edible. Cocks (kukuṭṭa), pigs, deer, birds, fish and dogs are referred to.[3] Meat diet appears to be so popular that unscrupulous traders tried to sell even human flesh and were punishable with death.[4] Deer flesh was very popular and deer parks were preferred to elephants forests.[5] Meat and fish were so much popular that there was real danger of indiscriminate slaughter and catching of animals and birds. The state had a slaughter house under a superintendent (*sūnādhyaksha*) to regulate this. There were protected enclosures, and those which were not in such these could be slaughtered by private people, who had to pay 1/6 of the animals killed, 1/10 of fish and birds caught to the government as tolls Sea-fish, swan, goose, pheasant, peacock were certainlyedibles though *cakora*, *mattakokilar* parrot etc. were auspicious birds or birds for sport.[6] Traders were not allowed to sell swollen meat without head, feet and bones. This enabled the customer to know which animals or bird's flesh he is buying.[7] Even dried fish and dried meat are mentioned. In preparation of meat dishes due proportion of cooking oil, salt sugar (*kshāra*), spices and curd were to be mixed. In preparation of vegetables twice as much of the aforesaid ingredients were to be used.[8] Flesh of freshly killed deer and other animals were edible. Aśoka refers to peafowls' meat as a delicacy in his kitchen. Cows, calf and the bull were not to be killed.[9] Does it mean that beaf diet was prohibited? Among milk products, milk (*payasa*), curds (*dadhi*) and *ghee* were used. Sugar was an essential element of diet. We are referred to many types of sugar products. Treacle (*phaṇita*-decoction), jaggery (*guḍa*), granulated (*matsyandika*), sugar-candy and unrefined (*śarkara*) formed the group of *kshāra* (or produced by distillation). Honey extracted from bees and juice of grapes (*maṇḍvika*) was known. Vinegars (acid beverages, fermented) of sugarcane juice, (*ikshurasa*), jaggcary (guḍa), honey (*madhu*), treacle (*Phanita*, fermented juice of sugar cane and other products), juice of *jambu* fruit, juice of *panasa*-fruit, infused with a decoction of *meshaśṛṅgi* (a kind of poisonous plant), long pepper (*piphalīka*) kept for a month, six months or a year, and then mixed with *cidbhita* (ground) *urvāruka* (cucumber), sugar-cane stalk (*ikshukaṇḍa*), mango fruit (*āmraphala*), and myrobalan (*āmalaka*). Such *sūktas* (vinegars or astringents) must have added taste to the meals and helped digestion. Sour fruits and fruit juices of tamarnid, *karmarda*, mango, pomegranate (*viḍala*), myrobalan (*āmalaka*), citron (*matulaṅga*), kola, *badara*, *sauvīraka* (sour fruit-juice of fruits of jujune tree), parūshaka (the fruit juice of the berries of Greivia Aseatica) are also mentioned,[1] and were large or small sour berries. This shows the variety of fruits and fruit juices in use. Sugar-cane (*ikshu*) was popular. Grape-juice has been referred to but *bilva* (bel) is not mentioned, Kapittha (Feronia Elephantum) fruit could resemble it very much. Fruits and vegetables and their products must have been quite normal additions to nutritious diet. Fruit orchards and vegetable gardens were revenue-yielding.[2] Some must have been state orchards and gardens.

---

[1] II. 15.20.
[2] II, 15.15.
[3] IV. 10.2-4.
[4] IV. 10.15.
[5] VIII. 4.44-5; IV. 10.4 (*mṛgavana*).
[6] II. 26.1-5.
[7] II. 26. I2.
[8] II. 15.47.
[9] II. 26. 10-11.

The average prescribed diet of an Ārya male was one *prastha* of split grains plus rice, $\frac{1}{2}$ of it as rice-broth (*sūpa*) plus $\frac{1}{4}$ of *sūpa* as butter or oil as cooking medium plus 1/16 of *sūpa* as salt. Lower classes had besides one *prastha* of rice, 1/6th of it as *sūpa* and $\frac{1}{2}$ of oil prescribed for the Ārya. $\frac{1}{4}$ less of this was for women, and $\frac{1}{2}$ of this for children.[3] This must have been supplemented with fruit, vegetables and juices.

While we have no idea of fixed eating hours for common people, in the daily routine of the king prescribed, the king after bath should take meals in the 3rd part of the day (divided into eight parts) and again in the 2nd part of the night after bath.[4] In

---

1. II. 15.14, 17-19.
2. II. 6.5.
3. II. 15.46.
4. I. 19.11,19.

describing how to detect poison in food for the king, we are told of boiled food (*annasya ūshmā*), liquids (*rasa*), vegetables (*vyañjanānām*), milk, curds, honey and liquor (*madya*).[1]

Fruits, vegetables, food-grains and cooked food were sold in the market and traders had to pay toll-dues. Even prescribed on dried fish and meat coming to market toll was levied. 1/6 or $16\frac{2}{3}$ pc. of the articles was the toll on fruits. Vegetables, roots, bulbous roots, fruits of creepers (*pallikya*), dried fish and meat. 5 or 4% toll was levied on grains, oil, sugar (*kshāra*), salt, cooked food (*pākkānna*).[2] Separate vegetarian and non-vegetarian hotels (*pīkkamāṅsika audanika*) were provided in the city.[3] Reference is made of government agents disguised as dealers in cooked meat, dealers in cooked grains (rice ?), dealers in (bread), cakes (*pūpikā*) and sauce (*vyañjana*)[4] Women and children purchasing liquor (*suṛa*), milk (*kshira*), curds (*dadhi*), butter or oil (*taila*) from dealers in these commoditiesare referred to, and there was often compitition in selling these commodities cheap.[5] This suggests brisk trade, almost buyers' markets, in eatables.

Introxicating drink has been popular since earliest times. Vedic literature is full of *soma* and *surā* as intoxicating drinks. Kauṭilya understood the weakness of men for liquor. The state could earn revenue from this and also control its manufacture and use in the interest of public peace and decency. The superintendent of liquor (*sūradhyaksha*) not only ran state-distilleries, pubs (ale-houses) but also issued licenses for its manufacture and sale to private persons under certain conditions. The state participated in and controlled trade in liquors. The place and time for sale of liquor and its manufacture were determined by the government and a fine of 600 *paṇas* was imposed on one who manufacture, purchase or sale liquor in other places.[6] Drinking houses (*pāṇāgāra*) consisting of many separate splendid rooms (*anekakakshyāṇi*) with separate sleeping beds and seats for sitting (*āsana*). Drinking rooms or bars (*pānoddeśāni*) were to be provided with scents or

---

1. I. 21.6-7.
2. II. 22.7.4.
3. II. 36.8.
4. XII. 4.8.
5. *Ibid* 9-10.
6. II. 25.1-2.

perfumes (*gandha*), flower, garlands (*mālya*), water and other pleasant things according to seasons.[1] Customers sleeping intoxicated in the drinking houses were assured of their valuables on their person of which an inventory was made by government agents, and if anything was lost the trader (*vaṇija*) was fined.[2] It was prohibited to take liquor out of village, nor liquor shops were to be situated close to another. The idea appears to have been to control use and sale of liquor and prevent concentration of liquor addicts at one place. The restriction of sale of liquor in small quantity was guided by the same consideration. To prevent Āryas going beyond decency due to over-drinking or to prevent workers in spoiling their destined work and to restrain brevados indulging in indiscreet acts, liquor to persons of well known character only could be sold to be taken out in small quantities of ¼ *kudumba*, ½ *kudumba*, one *kudumba*, ½ *prastha* or one *prastha* in stamped or sealed (*lakshita*) cans, otherwise they were to drink liquor in the shops and were not allowed to go out.[3] Liquor's selling price was fixed and the vintner could sell only spoiled liquor (*dushṭāsura*) below the price, or it could be given to slaves (*dāsa*) and workers (*karmakara*) in lieu of wages (*vetana*). This shows that poor slaves and labourers could not afford good liquor at the fixed price and went for spoiled liquor in return for their due wages. Some people at times over spent (more than their normal expenditure on this item) on drinks and were carefully watched and investigated by tavern-keepers, who also made enquiries about strangers at their drinking houses. Often some misappropriated or stole articles to pay for wine.[4] This must have been done by hard addicts who had no fair means to pay for their drinks. Drinking habits thus made some criminals. According to Kauṭilya indulgence in drinking wine (*pānavyasana*) is worse than indulgence in women and he enumerates a number of undesirable actions resulting from over-drinking.[5] It was partly because of this that the state ran its own distilleries and arranged for sale in limited quantities at a price, not very low. But private distilleries were also permitted but wines manufactured by these (not by the state) when given over to traders for purposes of sale had to pay a duty of five per cent.[1] In the *nagara* there were vintners (*sauṇḍika*) selling liquor.[2] Even women and children were purchasing wine (*śurā*).[3] Among types of drinks mention has been made of *medaka*, *prasanna*, *āsava*, *arishṭas*, *maireya*, and *madhu* and the ways these were manufactured in different qualities are described. *Madhu* is the juice of grapes and it was grown in *Kapiśā* and *Harahura* (Kabul valley and Kandhara region). *Arishṭas* were prescribed by physicians or their preparation was to be learnt from them.[4]

---

[1] II. 25.11.
[2] II. 25. 12-14.
[3] II. 25. 3-5.
[4] *Ibid*. 6.
[5] VIII. 3.58.61.

Drinking on festive occasions (*utsava*) was very common for both rich and poor. The state, therefore, permitted house-holders to manufacture white liquor. On the occasion of festivals (*utsava*), gathering (*samāja*) and fairs (*yātrā*), permission to manufacture and sell liquor was granted for four days. But they had to take permission for this, otherwise a penalty per day was charged from those who manufactured or sold liquor on festival days without permission. Householders were also permitted to manufacture *arishṭa* and other preparations for medicinal use.[5]

---

1. II. 25.39. II. 22.7.
2. II. 36.8, 14.
3. XII. 4.9-10.
4. II. 25. 16-25.
5. II. 25, 35-36.

10

SLAVES AND LABOURERS

Slaves

MEGESTHENES[1] had observed that Indians did not even use aliens as slaves, much less a man of their own country. But Kauṭilya recognised the existence of slaves (*dāsa*) as is clear from the chapter 13 entitled *Dāsakamakarakalpḥ* (rules regarding slaves and labourers) in Book-III of the Arthaśāstra of Kauṭilya. He is clear that no Ārya (including Śūdras) be reduced to slavery under any circumstances whatsoever.[2] But non-Āryans—*mlecchas* or tribals not assimilated in the Āryan society could be sold or mortgaged by himself or his relations. Kauṭilya however while prohibited sale or mortgage of a minor Ārya on pain of punishment by fines increased according to the *varṇa* of the minor person-Śūdra, Vaiśya, Kshautriya, and Brāhmaṇa; under the prevailing social and economic order he recognised that an Ārya could be reduced to status of a slave *temporarily*, of course, under certain conditions. Even minor could be a slave for maintenance (*udaradāsa*). He, therefore, refers to many types of slaves or pledges—*udaradāsa* (for maintaining his person), *daṇḍa-praṇīta* (physical labour as a judicial punishment), *dhvaja-hṛta* (captured in wars), *gṛhajāta* (born in the home of the master), *dāyagata* (received in inheritance) *labdha* (presented) kṛta (purchased), *ātmavikrayī* (sold himself) and *āhitaka* (mortgaged). There was no better *dharma* than to protect one's life, and naturally therefore if there was no means of maintaining one's life even an Ārya including a minor could become slave for maintenance (*udaradāsa*). The whole Ārya family could in times of distress (*āpadi*) accept slavery of a more fortunate Ārya but when proper ransom could be collected by somebody's help, first the minor and the rescue-helper had to be redeemed.

---

1. R.C. Majumdar, *India in the Classical Literature*, p. 224.
2. III. 13.4.

One who was fined by courts (against the claim of another person against him or the state) could offer to work as a pledge for a limited period in liue of fines. One who is in debt may pledge to work for the creditor for some specific period. Prisoners could get their sentence commuted by inflicting on them corporal punishment or making them work (as slaves for a definite period.)[1] Ārya flag-bearer captured in war could be made to work for a specific period and then gain his freedom; he may win back his freedom on payment of ½ the price of a slave. As a rule an Ārya reduced to slavery for any of the reason mentioned above had the right to be restored to the status of a free citizen on payment of suitable reason (*anurupena niskrayena*), the master failing to release him was duly punished.[2] On the other hand if one has voluntarily enslaved himself and then ran away, (and is caught) he was reduced to the status of a slave for ever; one who has been mortgaged by another will become a slave for ever if he escapes twice (and is caught). But both of them will become slaves for ever if they run towards a foreign country,[3] and thus they lost all the rights that accrued to a pledge. Similarly one who pledged the pledgee had to pay the capital (paid by the master) if the pledgee had run away or was dead or was in calamity (and so unfit to work).

A pledge or slaves was not entirely at the mercy of the creditor. Kauṭilya appears to have sought to safeguard his honour and interests. It may be suggested that in the developing economy accompanied with rapid changes in the fortunes of men, unfortunate helpless people, even the Ārya men and women could have been exploited by the fortunate wealthy people by asking the pledge to do dirtiest of chores on barest subsistence even on left-nuts alone. This social tyranny was somewhat mitigated by Kauṭilya. It is provided that a pledge could not be asked to pick up a dead body (*preta*), dung, urine or leavings of food. Women pledged could not be forced to give bath to a naked man (possibility

---

1. II. 36.46.
2. III. 13.21.
3. III. 13.6. This indirectly shows the value of the slaves in the society, whose economy depended upon social hierachical structure dependent on slave labour, which was not prolific enough to be allowed to go out.

that some over-sexed creditors or members of their family could have taken advantage of the helpless position of the famale pledge). No corporal punishment could be given to them by the master nor he could dishonour them. If any of these actions were done by the master, the female pledge gained freedom and the master lost his capital. A nurse, a female attendant, female share-cropper or female personal attendants earned their freedom as soon as they were violated. If the (female) attendent bore a child, she ceased to be a pledge and could go away, *i.e.*, she regained her freedom.[1] A (pledge) nurse if against her will was approached by the creditor, the latter was fined for lowest degree of violence, but if she was approached by another person other than the creditor, the fine for the middle degree of violence was imposed. Defiling or getting defiled one's maiden pledge did entail on him (the creditor) loss of his capital, payment of dowry (*śulka*), and double of this as fine.[2] For one deflowering the daughter of a male or female slave, who is not a slave herself, the fine was 24 *paṇas* and the payment of dowry and ornament for her. For one violating a female slave due for redemption, the fine was 12 *paṇas* and the payment of clothes and ornaments.[3] This shows how much concern was felt about the honour and modesty of the female slave. She was not an object of enjoyment at the sweet will of the master. She had sold herself for work, and had not sold her honour. It is significant to note that while earlier the issue of a slave was a slave, Kauṭilya says that the daughter of a slave (male or female) was not necessarily a slave. One who sold himself[4] could earn by himself without detriment to his work by master. This means that even a purchased slave had his free time to work for money, and he could win back his freedom by saving the money so earned equivalent to his rasom, and become an Ārya again. His son of course was always an Ārya;[5] one who was captured in war could regain his freedom by doing work for specific period.[6] It was a crime punishable with fine to engage a minor slave, born in the house, received in inheritance, obtained as

---

1. III. 13. 9-10.
2. *Ibid.*, 11-12.
3. IV. 12. 27-28.
4. III. 13. 14.
5. *Ibid* 13-15.
6. *Ibid*. 19.

present, and purchased; and a pregnant female slave could not be pledged without providing for the nourishment of the foetus.[1]

Thus, Kauṭilya, while recognised the institution of slavery, even among Āryas for some distressing reasons, (saving the family for imprisonment or the life in danger) he provided ways for regaining the status of an Ārya citizen and also regulated their conditions of work as slaves in such a manner that they could live their life as honourably as possible. However the life of a slave was not enviable, and the fact that serious punishment is provided for slaves trying to escape shows that attempts to run away from master's house could have been frequent naturally because of unfavourable treatment and conditions of service in some houses.

In the context of the prevailing socio-economic system of growing large land-holdings and private industrial undertakings and of the current social philosophy, the institution of slavery was important and inevitable. The king had slaves, both males and female. We are referred to king's female body-guards armed with arrows, and to female slaves engaged as bath-attendants, shampooers, bed-spreaders, laundresses, and garland makers.[2] Old female slaves of the king were employed in spinning yarns for the royal-weaving-establishment and for supplying material for work to women who did not stir out of their houses but needed work for their maintenance.[3] On crown lands slaves (*dāsa*) and persons paying off their fines by personal labour (*daṅḍapratikarṭṛ*) were employed in sowing seeds by the Superintendent of crown lands.[4] Prostitutes appointed by the state and paid by the state were almost slaves as they could not give up their profession at sweet will. The ransom-price (*nishkryya*) for the prostitute was 24000 *paṅas* as for her son was 12000 *paṇas*.[5] The high ransom-price shows how difficult it must have been for a state-maintained prostitute to leave the state-service or to give up this profession. *Gaṇikā-dāsa* (prostitute slave or a female slave of the prostitute) who was no longer in the profession(because of old age or disease?)

---

1. *Ibid*. 20.
2. I. 21.13.
3. II. 23. 2, 11.
4. II. 24. 2.
5. II. 27. 6.

was employed in the kitchen or in store-house. A female slave living by her beauty (*rūpadāsī*) if she was killed by any person, the latter had to pay the highest fine for violence. Female slaves living by the stage (*dāsi raṅgopajivini*) were given training in various arts of entertainment by teachers maintained by the king.[1] Slaves of villages were among persons to be enumerated and recorded by the *gopa* concerned.[2] Slaves, male and female, were owned by private persons and temples (*devadāsis*); they had to work under rules for their masters. Discipline on slaves and pledges (*dāsāhitaka*) were enforced by the king.[3]

Slaves and pledges suffered from many judicial disabilities. Without due authorisation the court would take no notice of any transaction enforced by slaves and pledged.[4] Slaves were supplied broken grains (*kaṇikā*).[5] Spoiled liquor was given to slāves as part payment in liue of wages.[6] Slaves were also to render forced labour (*vishṭi*).[7]

A slave was maintained by the master, king or private citizen or corporate bodies. But besides this he could also receive some wages. King's slaves engaged in sowing in crown lands received 1¼ *paṇa* per month besides cooked rice (*bhakta*)[8] for himself and his dependents.

Critically analysing the position of the slaves and pledges in Kauṭilīyan state, one may notice the fact that compared to the situation prevalent in the age of the Buddha, slaves had improved their lot in many ways. It is important to note that the slaves for life were *gṛhajāta*, *dāyagata*, *labdha*, *kṛta*. Distinctions were made between the slaves and pledges or mortgaged persons. It has been already pointed out that an Ārya also could be reduced to slavery, even a minor Ārya below eight years of age in times of distress could be mortgaged, and certainly an Ārya in distress could sell himself. But the point to note is that such an Ārya slave did not

1. *Ibid.*, 28.
2. II. 35.4.
3. II. 1. 25.
4. III. 1. 12.
5. II. 15. 61.
6. II. 25. 9.
7. II. 15. 63.
8. II. 24. 28.

lose all his rights. He had right to earn in spare time without detriment to the work for his master. He could also retain his inherited property.[1] He could not be forced to do dirty and dishonourable work. Female slaves and pledges were not to be violated without their consent. Persons sentenced to do labour as a punishment of offence committed by them could be kept as slaves only for limited time. A captured prisoner of war was reduced to the status of a slave but could regain his freedom by doing labour for sometime or by paying half the price of a slave. The son of an Ārya slave who had sold himself remained an Ārya. The son of a slave necessarily a slave—this rule did not hold true at this time. One could regain the status of an Ārya by paying suitable ransom in conformity with the capital. Persons committed to prison could be released if 'they had been purged of their crime by slave labour.'[2] Slaves redeemed could not be pledged or sold again as a slave by the owner without his or her consent. Not only slaves for temporary period could regain their freedom, even full-fledged slaves could gain freedom under certain condition. If a son was born to a female slave by his master she and her son became free, and if she stayed in the home for work then her brothers and sisters became free.[3] (In the time of the Buddha son born of a slave mother was always a slave).[4] To safeguard this privilege Kauṭilya prescribes punishment for those who cause abortion to a pregnant woman slave. Selling or pledging a female slave when pregnant without providing for nourishment of the foetus was sentenced with lowest fine for violence.[5] Purchasers and witnesses to this were likewise punished. Masters who did not make the (Āryas) slave free even after the latter paid the ransom money were suitably fined.

In conclusion, one may say that Kauṭilya realised the necessity of slave-labour, which was certainly cheaper than wage-earning or hired labourers (*karmakāra* or *Bhṛtakas*). Slave labour was useful in exploiting crown lands, working in mines and factories.

---

1. III. 13. 13.
2. D.R. Chanan.*Slavery in Ancient India*, p. 96.
3. III. 13. 23.
4. Chanan, *op. ci.*, p.98.
5. III. 13.20.

Kings and rich people could also engage slaves as personal attendants. But what is more important to note is that Kauṭilya while on one hand put several restrictions on the masters' right over slaves and pledges, provided various kinds of ways open to the slaves to regain freedom. Even during the period of bondage their conditions of service were made as humane and honourable as possible. Naturally the situation, so obviously contrasted with what prevailed in Greece, that Megasthenes declared that slavery did not exist in India.[1] Basham rightly regards the humane regulations of the Arthaśāstra (about slaves) as probably unique in the records of any ancient civilization.[2]

Labourers (*Karmakara*)

The Kauṭilīyan state was not a *Laisseze-faire* state. It was neither a purely feudal land-holding state. It was actually a highly centralised state in which both the state and private enterprise took active part. With the rapid expansion in forest-clearing, in agriculture, in industries, trade and commerce, it was clear that the economy could not run on slave labour alone. Wage earning workers and hired labourers were the main labour force employed in agriculture, industries and commerce.

There were workers doing menial work for the king and presumably for rich persons. Bearers of umbrella, water vessel, fan, shoes, throne, seats, carriage and riding animals are referred to.[3] Sauce makers (*sūda*), cooks (ārālika), bath-attendants (*snāpaka*) shampooers (*saṁvāhaka*), bed spreaders (*āstaraka*), barbers (*kalpaka*),toilet makers (*prasādhaka*), water-bearer (*udakaparicāraka*) were personal servants of the king[4] (and of the rich persons as well). They were paid wages. In constructing irrigation-works (*setubandha*) as a cooperative venture, such well-to-do people who did not participate personally in building the dam, had to send their workers or hired labourers (*karmakara*) to do their share of work.[5] This means that such well-to-do persons employed labourer to do their work. Skilled work men (*karmakara*) were employed

---

1. Strabo XVI, pp. 53, 61.
2. Basham, A.L., *The Wonder that was India*, p.153.
3. I. 12. 7.
4. *Ibid.*, 9.
5. II. 1.22.

in government mines and factories.[1] Skilled artisans (workers) working in the goldsmith's workshop and the blowers, or dust-washers were properly checked at the time of entry into and exit out of the workshop.[2] Workers in wool, yarn, bamboo, leather, armours, weapons and shields are referred to.[3] There appears to have been workshops or work-houses for workers to carry on specific assignments.[4] Their engagement in work was particularly noted.[5] Watchmen in vegetable fruit and flower garlands, cow-herds, buffalo-herdsmen, milkers, churner, and hunters were wage-earning workers. For workers certainly in cities, residential quarters in the western part of the city were provided together with the śūdras. But labourers could also be engaged for wages in cultivating land. Labourers were also engaged in weaving establishments. Sweepers, watchmen, weighers, measurers, supervisors of measuring, supervisor of delivery, receiver of tallies and sundry labourers were employed in agricultural operations.[6]

Wage-earners were to work under an agreement with the employer so far as the wages, conditions of work, on piece-rate or time-rate as the case may be, were considered. But the state appears to have fixed or regulated the wages or rates of wages in many cases. Watchmen in vegetable gardens etc. were to be supplied food in accordance with the persons dependent on them and were to receive 1¼ *paṇa* a month as well.[7] So Food resources for family+some money wage were paid to such workers, Cowherds, buffalo herdsmen, the milkers, churners *i.e.*, workers on dairy farms or in private houses working on milk, cattle and their products were paid in cash, and naturally so because it was feared that if they were paid in milk or milk products, they may squeeze all the milk and starve the calves.[8] But it was possible that on account of exigencies of situation workers may have taken up work without due agreement with the employers. In such cases they were

1. II.2.1.
2. II.13.33.
3. II.4.13.
4. II.4.12.
5. III.13.26.
6. II.15.63.
7. II. 24.28.
8. II.29.2-3.

to receive $\frac{1}{10}$ part of the crops, of butter, and of the goods dealt in by them.[1] Washing and tailoring charges or wages were fixed according to the quality of the garments. Weavers received as wage equal to the value of the yarn, and $1\frac{1}{2}$ times in case of *kshauma* and *kauśeya* and double in case of *patroṇa* and *dukūla*.[2] Artists and artisans employed by the state were paid 120 *paṇas*, royal workmen doing miscellaneous work (*parikarmika*), royal attendants (*upasthāpika*) body-guards (*pālaka*), foremen of free-labourers (*vishṭibandhaka*), were paid 60 *paṇas*.[3] Slaves and labourers working in pubs or liquor manufactories could in lieu of wages receive spoiled liquor from vintners.[4] This shows the exploitation of the weakness of the labourers. Some persons who could not pay tax could pay in free labour or in produce in lieu of taxes. This was *vishtipratikara*.[5] Besides wages, labourers were given broken rice.[6] Labourers working on crown lands on payment were given the facility to cultivate the crownlands not cultivated by the state on the term of receiving $\frac{1}{4}$ or $\frac{1}{5}$ as their share.[7] Workers in weaving establishment besides getting wages as fixed upon were offered presents of perfumes and flowers.[8] This incidentally shows the refined taste of the wage-earners. If they were asked to work on holidays they were shown particular appreciation and were offered gifts.[9]

However, if workmen did not work or produce things in quality, quantity or in time as agreed upon, they were suitably punished. If the worker took more time than agreed upon in completing the work, his wage was reduced by 25% and he was fined 50% of that. If he carried out the work in a manner against the stipulated manner in agreement, he was punished by the loss of entire wages agreed upon and was also fined double the wage agreed upon.[10] The

---

1. III.13.27-28.
2. IV.1.10,22.
3. V.3.16-17.
4. II.25.9.
5. II.35.4; II.15.1.
6. II.15.61.
7. II.24.16.
8. II.23.7-8.
9. *Ibid.*,5.
10. IV. 1,5, 7, 10, 22.

wage in the weaving establishment was fixed after ascertaining the fineness, coarseness or medium quality of yarn, and the largeness or smallness of the quantity. Workmen were punished with cut in their wages in accordance with their offences. Women spinners who after receiving the wages (in advance) did not carry out the work, or misappropriated the yarn or stole them and ran away had their thumb mutilated.[1] They were thus made incapable of doing work by hand. The workers engaged in the goldsmithy workshops had to do the work in the workshop during stipulated time and specified nature of the work was assigned to them. "In case the work is done otherwise (then as ordered), (there shall be) loss of wage and a fine double that (amount). In case the time-limit is exceeded, he shall receive a wage reduced by one-quarter and a fine double that (amount). In case of dimunition of quality and quantity in gold and silver given to artisans to work upon, the lowest and the middle fines for violence would be imposed. If the work was carried on in a place unseen by the Goldsmith, the artisan could be fined 200 *paṇas* or his fingers of the hand could be cut.[2] Using of false scales was suitably punished. A labourer who did receive the wage but did no work was fined 12 *paṇas* and could be detained till the work was done.[3] However, it was possible for the labourer (bound by agreement) not to be able to do the work because of sudden incapicitation, illness, calamities, or even the vile nature of the work, in such a case he could get the agreement cancelled or get the work agreed upon done by a substitute, or the employer could get the work done at the cost of the worker himself or he paid a fine of 12 *paṇas* if it was provided in the agreement that no work by any substitute will be allowed.[4]

But the employers who did not pay wages as agreed upon were also punished. In case of non-payment of the wage, he was fined $\frac{1}{10}$ of the wage or 6 *paṇas*. In case of denial, the fine was 12 *paṇa*s or $\frac{1}{6}$ (of the wage).[5] Employer who did not give work to the labour and who turned out the labour, the labourer could

---

1. II. 23.15.
2. II. 14.2-14.
3. III. 14.1.
4. *Ibid.*, 2-4.
5. III. 13.33-34.

claim wages, as already fixed earlier, according to a previous teacher. But Kauṭilya does not go so far, and in his opinion for every part of work done the labourer in such case could claim full wage.[1] Dispute between master and the slaves, the employer and the employees could be settled on the testimony of witnesses and in latter's absence, the judge was to make on the spot enquiry[2] (and decide).

Wage-earners who live by their labour could form unions, and the labour union could contract with employers about the total wages for the work agreed upon between the union and the employer. The wages thus collected were to be equally divided between the members of the worker's union or as agreed upon.[3] A renegade member of the union or partnership was fined 12 *paṇas*. This kind of organised labour partnership must have protected the individual helpless wage-earners against clever employers. The union or partnership must have strengthened the bargaining capacity of the workers.

[1] III. 14.6-9.
[2] III. 13.31-32.
[3] III. 14.18.

11

RELIGION

A CLOSE study of the materials given in the *Arthaśāstra* enables us to have a glimpse into the contemporary religious ideas and practices. Considerable light is thrown on some aspects of popular religion and beliefs. It is clear that the ultimate end of following a religious life as laid down in the *śāstras* was heaven and endless bliss.[1]

The *Arthaśāstra* contains the names of a large number of deities, amongst whom Aparājita (or Apraājitā), Apartihata, Jayanta Vaijyanta, Śiva, Vaishravaṇa, Aśvins, Indra, Senāpati, Brahmā, Yama, Śrī and Madirā, may be mentioned.[2] Apratihata is a name of Vishṇu but this epithet of Vishṇu finds one of its earliest references here. Jayanta is a son of Indra or Rudra or he may be Skanda but we do not find him as a deity worshipped in the Epics. Reference to the worship of Indra, Yama, Brahmā or Prajāpati, or Kaśyapa,[3] the famous Vedic deities certainly suggests, quite an early period for the Arthaśāstra. How far early the period was can be inferred from the examination of another list of deities and demons grouped together. In connection with the application of medicines and mantras, we find salutations to such demons as Bali, Satamaya, Śambara' Bhaṇḍīrapāka, Naraka, Nikumbha, Tantukaccham, Armālava, Pramīlā, Maṇḍolūka, Ghaṭodbala, Kumbha,

---

1. I.3.14
2. II.4.17. Aparajitā is the name of Durgā. Aparajita is a name of Śiva or is one of the 11 Rudras. As Śiva is already in the list, the identification with Durgā may be accepted. If Jayanta is Skanda, then what deity is meant by Senāpati ? Vaijyanta cannot be Indra or son of Indra as both are already in the text. Śri is certainly Lakshmī, and Madirā may be Durgā or Kālī in whose worship intoxicating drinks were probably used.
3. II.24.27.

Amilā, Kimilā, Vayucārā, Prayogā, Phakkā, Vayuhvā, Vihāla, Dantakaṭaka, Alitā, Valita, Puloma and such saints as Devala, Nārada, Sāvarṇi-Gālava, and to Kṛshṇa and Kaṁśa.[1] Some of these demons such as Saṁvara, Bali, Vairocana, Nikumbha, Naraka and Puloma are known to the *Māhābhārata.* But many in the Arthaśāstra are not known to the great Epic. It is quite possible that by the time of the compilation of the Mahābhārata when Hinduism was fairly developed round great gods, memories about some of the demons and their powers were forgotten. But what is most significant is the mention of Kṛshṇa and Kaṁśa together in this chapter with demons preponderating, being solicited by *mantras.* Dr. Raychaudhari proved that Kṛshṇa was a historical person to be identified with Vāsudeva, the most important prophet of Bhāgavatism or Vāsudeva cult. Saṁkarshaṇa or Baladeva was his elder brother who was associated with the Vāsudeva cult.[2] This cult was quite established in the time of Patañjali, who in commenting on Pāṇini's reference to the worsippers of Vāsudeva and Arjuna (IV. 3.98), says that by this Pāṇini meant Vāsudeva deity[2] (Kielhorn,s edition of Patañjali's *Mahābhāshya* II.P. 314). There is no doubt that Vāsudeva and Arjuna were known to Pāṇini; and that they had a large number of followers long after their death. The Ghosundi[3] and the Heliodorus[4] inscriptions definitely show that in the 2nd century B.C. Vāsudeva and Saṁkarshaṇa were popular deities in whose honour temples were constructed or pillars were dedicated. The Nanaghat inscription slightly later than these refer to Vāsudeva and Saṁkarshaṇa as gods. What is important to bear in mind is that there is nothing definite in Pāṇini to prove that Vāsudeva-Kṛshṇa was actually deified ishṭadevatā of Bhāgavatism. Pāṇini's reference might suggest Arjuna's and Kṛshṇa's popularity as heroes or *Mahāpurushas.* It is Patañjali who flourished more than at least three hundred years after Pāṇini who believed that by this Pāṇini must have meant deities.[5] There has been actually gradual development of the Vāsudeva cult. The legends of Kṛshṇa's life appear to be

---

1. XIV.3.19-20, 26, 34, 36, 43-44, 51.
2. Raychaudhuri, H.C., *Materials for the study of Vaishnava sect*, p. 39.
3. C.H.I. Vol.I, p.387.
4. ASIAR, 1913-14 p. 190.
5. Kielhorn, *Patañjali's Mahābhāshya*, II, p. 314.

known to Pāṇini and Patañjali. And Kauṭilya is aware of Kṛshṇa and Kaṁśa. Megasthenes refers to the special honour in which the Sourasenians, who possessed Methore and Clisbera, (Mathura and Kṛshṇapura-Gokula or Brindavana), held Herakles[1] (identified with Kṛshṇa). So in the time of the first Maurya, Kṛshṇa was an object of special veneration among the Sourasenians chiefly; he might have been raised to the status of a deity as a result of the personification of the great hero of their race. So the cult Kṛshṇa—Vāsudeva was neither by then fully developed nor extensively spread. The legends about his exploits, and his rivalry with Indra, his complexion all may lead some to suspect some non-Āryan element in the Kṛshṇa-cult.[2] Now the reference to 'Salutation to Kṛshṇa) together with Kaṁśa and the other demons by Kauṭilya certainly proves that the Kṛshṇa-Vāsudeva cult had not in his time reached that stage of development that is found in the time of the Ghosundi inscription, or that of, Patañjali (2nd Century B.C.) or of Heliodorus. We should place Kauṭilya, therefore, much before Patañjali and nearer Megasthenes, may be even somewhat earlier than him. This hypothesis is strengthened by the manner in which Kauṭilya refers to Samkarshaṇa. We have noticed that the Ghosundi and the Nanaghat inscriptions refer to Kṛshṇa and Samkarshaṇa together. Patañjali also[3] refers to Kṛshṇa and Samkarshaṇa together and places together Rāma (Balarāma) and Keśava. Kauṭilya refers to Samkarshaṇa but not with Krishṇa; moreover the reference to the worshippers of the god Samkarshaṇa as ascetic with shaven head or braided hair[4] points to a time earlier than when Samkarshaṇa was a full-fledged member of the Vaishṇava Vyūha, inalienable with Kṛshṇa or one of the *Vīras*.

There appears to be some reason to believe that images of deities were fashioned and worshipped in the time of the Arthaśāstra. Patañjali also refers to images made by the Mauryas for the

---

1. Indika VIII.
2. Gonda, *Aspects of Vishnuism*, p. 7. Gonda does not subscribe to the theory.
3. Vārtika on Sūtra II. 2.24 and on 11.2.34.
4. XIII. 3.54.
5. R.E. IV. In the Mahāvagga I. 16-18, the guardians of four directions (*Lokapāla*), with Indra and Brahmā are stated to resemble 'great masses of fire' (mahatta aggikhaṇḍa). (C.I.I. I, R.E- IV, fn. 7). Brahmā and Indra are deities mentioned in the Arthaśāstra.

sake of money, and we are also informed that such images were for worship, livelihood and for sale. There is a torso of a Tīrthaṅkara with characteristic Mauryan polish in the Patna Museum which can safely be placed in the Mauryan period. It must have been an object of worship in the period. Aśoka in his inscription refers to celestial sights including the spectacles of *Vimāna*, elephant etc. that he showed to the people. On interpretation or significance of these phrases there is much controversy. But it is reasonable to suppose that showing certain religious scenes was a part of the religious propaganda, and Aśoka might have modified or utilised for his purpose the popularity of such religious faith in representations in the form of images or symbols. We find in the Kauṭilya's Arthaśāstra the reference to the image of a Nāga god (*Nāga-pratimā*)[1] for the purpose of worship. Another indirect reference to the acquaintance with the anthropomorphic images of gods (*Daivatapratimā*) is to be inferred from Kauṭilya's[2] advice to the conquering king to frighten his enemies by holding conversation and worshipping the spies, "who pretend to be the gods of fire or altar when through a tunnel they come to stand in the midst of fire or alter or in the interior of a hollow image, or by deluding the enemy's people by magical tricks conversing with the Varuṇa and Nāga maidens." At another place it is said that "any person disguised as an ascetic and living under water in the interior of an idol, entered through a tunnel or an underground chamber may be said by his disciples to be Vāruṇa or Nāgarāja (king of snakes)."[3] Images of Gods are again[4] referred to; worships to Nāga gods and goddesses is mentioned again.[5] But it is important to note that by far Kauṭilya's references are about images of Nāgas and Varuṇa for worship. There is no clear reference to images of the more important later gods, of Hindu pantheon. Sanctuaries (temples and *caityas*) and holy places, particularly of deities guarding the quarters were constructed within the palace complex.[6] Kauṭilya refers to some

1. V.2.43.
2. XIII. 1.3.
3. XIII. 2.16.
4. XIII.2.44; XIII.1-3.
5. IV. 13.41 (*Daivatapratimā*)
6. II.4.20. *Caityapnyasthāna; digdevatāḥ*.

specific Brahmanical sacrifices such as Soma-sacrifice,[1] Aśwamedha,[2] Mahākacehavardhana,[3] Agnistoma, consecration of the purchase of Soma (Soma-vikraya), Madhyamopasad, Pravagyordvāsana Sutya, Pratisavana, Madhyandina, Bṛihaspatisava[4] and Āgrayana.[5] There was reservation of some forest lands for ascetics or *tapasvis* studying the Vedas and for Soma sacrifices.[6] There was goat-sacrifice as well.[7] Goods intended for sacrifice were to enter market duty free.[8] Consideration for study of the Vedas and for worship of gods was so earnest that learned in the Vedas or ascetics were allowed to pick up all flowers and fruits fallen on the ground in the crown-land free of cost for these sacred purposes.[9] It is interesting and instructive to find that the importance of sacrifice and high priest was so great that *ṛtwig* and *purohita* received highest wages with *mantri* etc.[10] We do not know if all the sacrifices specifically referred to by Kauṭilya were observed in the post Mauryan period. Mountains were worshipped, serpents were worshipped. Particular mention may be made of worship of Caitya-trees[11] with offerings of raised platform, umbrellas, food, small flags and goats.

In Kauṭilya's time faith in magic and belief in superstitions were widely prevalent. Withcraft was resorted to for not only personal ends but also for pusposes of the state. Atharvaveda was the main source of these beliefs and practices for the purpose of warding off the danger from demons. Kauṭilya observes, "persons acquainted with the rituals of the Atharvaveda and experts in sacred magic and mysticism shall perform such ceremonial as ward off danger of demons.[12] Belief in astrology and interpretation

[1] II.2.2.
[2] IV.13.16.
[3] III.16.38.
[4] III.14. 29-30.
[5] II.24.30.
[6] II.2.2.
[7] IV. 3.41.
[8] II.21.18.
[9] II.24.30.
[10] V.3.3.
[11] IV.3.41.
[12] IV.3.40. In the *Atharvaveda* X.I.18 there is an entire hymn to *Kṛtyā*, Witcheraft personfied.

of dream was commonly shared and therefore experts in magic (*māyāyogavidaḥ*),[1] astrologers who divined future[2] and experts who interpreted dream were held in great esteem.[3] Science of magic was developed to such an extent that a type of it was known Jambhaka.[4] Sometimes even to delude credulous people spies, by resorting to tricks would demonstrate (seemingly) supernatural powers to apprehend criminals.[5] Kauṭilya advises the king to honour and house such ascetics who are experts in magical arts and are endowed with supernatural powers because they can ward off providential visitations in kingdom."[6] Witchcraft may be properly applied to arouse love in an indifferent wife, and in a maiden by her lover. But if the man practised witchcraft for anti-social and injurious ends he could be punished by the court.[7] Love-winning charms, sleep-inducing charms and invisible making or door-opening charms were practised. Such belief in charms appear to be prevalent among all.[8] Witchcraft was also made use of for obtaining inexhaustible wealth, or to get entry into the king's palace, to put end to the life of one's enemy, to win the love of any woman, to lengthen the duration of one's life and to obtain son.[9] Even in war the parties resorted to various kinds of witchcraft to gain superiority over the enemy.[10] It was seriously believed that by means of witchcraft and by proclaiming the association of the conqueror with gods (often tricks were resorted to), even war could be won.[11] Kauṭilya has described some of the clever tricks by which the conqueror could demonstrate to the enemy the former's association with the gods, and thereby ensuring certain vic-

---

1. IV.3.40.
2. *Ibid* : Megasthenes also refers to a class of wisemen who prophesise about the seasons of the year or public calamities (Indica, VIII).
3. XIII,1.7. The *purohita* to be appointed by the king was to be thoroughly well-versed in divine signs and in omens (*daive nimitte*, I.9.9.).
4. XIII 2. 13.
5. IV.5. 2-7.
6, IV.3.44.
7. IV,13. 27-29.
8. IV.5. 1-7.
9. V. 2.59.
10. X.3.33.
11. X.6. 48-50.

tory.[1] Some horrid practices of witchcraft and magic have been described by Kauṭilya[2] reminding us of some of the tantric practices. Fortune-tellers, soothsayers and astrologers appear to have field days in this period and they were also employed by the king and paid wages.[3]

However, it may be interesting to mention some of the innocuous superstitions referred to by Kauṭilya such as milking of cows on cremation grounds, burning the trunk of a corpse, waving light in cowshed for combating cattle diseases. It was certainly a superstitious belief that placing on a verandah offerings such as an umbrella, the picture of an arm, a flag and some goat's flesh will help in warding off the danger from demons.[4] It is nothing but superstition to believe that if a figure of an enemy carved out of a *rājavṛksha* is besmeared with the (blood of)brown cow killed with a weapon on the 14th day of the dark half of the month, (because of its magical power) it causes blindness to the enemy.[5] The underlying belief was this: "By the power of the *mantras* and other magical performances one should protect one's own people and hurt those of the enemy.[6]

We may now consider evidences, if any, regarding the prevalence of different religious sects in the Arthaśāstra. Kauṭilya refers to ascetics who were living in *āshramas*; and the pāshaṇḍas[7] who thus did not necessarily be taken to be Buddhist.[8] A wandering monk and an apostate monk are mentioned.[9] There is no clear reference to the Jainas. Even wandering female ascetics and nuns were there,[10] The Buddhists and the Ājīvikas are positively mentioned.[11] He refers to monks with shaven heads and with matted hair (*muṇḍo*

1. XIII.1.2-6.
2. XIV.3.
3. V.3.13.
4. IV. 3.159. 25, 26, 33, 41.
5. XIV. 3.69.
6. XIV.3.88.
7. III. 16. 32.
8. Comprehensive History of India, Vol. II, p. 18.
9. I. 11.4. *Pravrajyāpratyavasitaḥ prajñāśaucayukta udāsthitaḥ*
10. I. 12.4. *paṅvrājika*; I. 12.13. *bhikshukī*.
11. III.20.16. *Śākyājīvakādin Vṛshalapravrajitān*.

jaṭilovā).[1] According to Kauṭilya *āshramiṇaḥ* and the *pāshaṇḍās* could live in a large area without disturbing one another,[2] Kauṭilya was a champion of orthodox Brahmanism and believed in the *Varṇāshramadharma*. It appears that in his time there was religious ferment and different sects of wandering ascetics were propagating in favour of their respective faiths, and some had been organised, as he refers to *pāshaṇḍasaṁgha*,[3] which may actually suggest the Buddhist monastic order. Kauṭilya was very much displeased with these people, and they were not to be fed on religious ceremonies[4] and asceties other than *Vānaprastha* were settled in the newly set up king's villages[5] as they attracted young men and women to give up their domestic responsibilities and join the ascetic orders. Only the *Vānaprasthas* according to the orthodox Hindu scheme of life were allowed to settle. Aśoka appears to have revoked this ban as he says that the Brāhmaṇas and the Śramaṇas are to be found everywhere[6] and he met them in his tours throughout the empire. The reference to the Ājīvika is also significant. We do not come across any material and epigraphic evidence about the Ājīvikas in Northern India after Daśaratha.[7] Kauṭilya does not refer to the Nirgranthas separately. Aśoka mentions the Buddhist Saṁgha, the Brāhmaṇas, the Ājīvikas, Nirgrantha and the *pāshaṇḍa* sects.[8] The order of mention may suggest the order of prominence or importance. Ājīvikas were more important than the Nirganthas in Aśoka's time. In the Arthaśāstra the Nirgranthas are not mentioned specifically at all. It is therefore reasonable to suggest that on the basis of the mention of Ājīvika with the Śākyas and the non-mention of the Nirgranthas (while it is mentioned after the Ājīvikas in Aśoka's

---

1. I. 11.13.
2. III. 16. 33-34. But the statement that 'they should put up with minor troubles—'*alpām bādhām sahet*'—shows that there was sometime trouble among different religious communities living at one place, and the state did not interfere till it grew into serious proportion. Aśoka's emphasis on votaries of different sects discussing together with mutual respect one other's sects marks a development of state policy to meet religious feuds (R.E.XII).
3. V. 2,37.
4. III. 20.16.
5. II. 1. 32.
6. R.E.XIII.
7. A.L. Basham, *History and Doctrine of the Ājīvikas*, p. 100.
8. P.E. VII.

edict) that the Arthaśāstra may not be later than Daśaratha, and is probably earlier than Aśoka.[1]

The monks and nuns of all religious orders appear to have considerable influence on the people and had easy access to the houses of farmers, cowherds, traders, departmental heads and other high officers. This is clear in the way the spies in the guise of *parivrājikā* and *tāpasa* were employed by the king for highly important espionage work.[2] Often for assurance of food, clothing and residence, or even permanent means of livelihood, wandering monks and nuns volunteered to act as spies for the king without giving up their monastic or ascetic life.[3] Such nuns were to communicate the secret informations gathered by them to the (spy) establishment.[4] In view of apprehension of this kind of activity by nuns, some householders appear to have prohibited entry of *nuns*, altogether in their houses.[5] In Kauṭilya's view only such persons, in the government set up villages,who have 'lost capacity for activity' may renounce home only after securing permission from judges (*dharmasthān*).[6]

The *Arthaśāstra* refers to many *saṁskāras* such as *Jātakarma. caula* (tonsure), *upanayana* (sacred-thread ceremony), *godāna*, *vrata*, *dīkshā*,[7] *vivāha* and funeral. Separate cremation grounds for different *varṇas* were provided in the northern or eastern part of the *durga*.[8] Offering to ancestors were ceremoniously made (*Pitṛkārya*).[9]

Not only Brahmanical organisations, Brahmanical ascetics, Brahmins learned in the Vedas, Brahmin priests performing religious sacrifices but even heretical corporations owned property and there was the Director of Religious Property and Temples

---

1. Basham rightly concludes that this reference proves that Arthaśāstra could not have been composed as late as 3rd century A.D.
2. I. 12. 4. II. 35. 13.
3. I. 11. 6-8. *parvapravrajitānām.*
4. I. 12. 10. *bhikshukyah.*
5. *Ibid.*, 13.
6. II. 1. 29-30.
7. II. 21. 18.
8. II. 4.21.
9. III. 20,16,

(*Devatādhyaksha*) who looked after such properties.[1] Temples and *caityas* were already there. And it was one of the bounden duties of the king to look into the affairs of temples, hermitages, heretics, learned in the the Vedas and holy places.[2] The consideration for religious life of the people could never be missed and all religions were well treated.

---

[1] V. 2.37-39. *pāshāṇḍasaṅghadravyam.*

[2] I. 19.29. *devatāśramapāshāṇḍaśrotriyapuṇyasthānām.*

INDEX

A

Administrative organization, 61-5
Adulteration, 7, 11, 104, 114
Aelian, 184
Agricultural implements, 73-4
Agricultural operations, 72, 73-4
Agriculture, 2, 3, 4, 50, 64, 69-85, 165
  Impact of religious movements, 79
  State facilities, 4-5, 75-6
Ajivikas, 177
Altekar, A.S., 23n
Ambarīsha, King, 21
Animals slaughtering, 5, 64
Aristobolus, 138
Armament industry, 3, 50, 86, 92-3
Āshramas, 103,135-6
Aśoka, Emperor, 5, 50, 65, 78, 117, 127, 132, 135, 150, 154, 173, 177, 178
Astrologers, 175, 176
Astrology, 151-2, 175
Aśwamedha sacrifices, 49
Atharvaveda, 42, 174

B

Bâhudantiputra, 52
Basham, A.L., 144, 165, 177 n
Basket making, 95
Baudhayana, 41
Beaf diet, 154
Benevolent despotism, 97
Beni Prasad, 23n, 47
Beveridge, Lord, 1, 7, 10, 16, 18
Bhāgavitism, 171
Bhāradvāja, 19, 35
Boat-racing, 148
Bonded labour, 74
Brahamical sacrifices, 174, 178
Brahmanism, 177
Brahmans, 42-3
  Duties, 130-1
  Immunity to torture, 125, 132
  Judicial privileges, 128, 129, 131-2
  Social life, 130-2
Bṛhaspati, 25, 52
Buddhism, 176, 177
Bureaucracy, 13, 14, 28, 51

C

Caṇḍālas, 134
Capital punishment, 126-7
Carpentry, 96
Cattle breading, 5, 76
Cattle diseases, 83
Cattlefarms, 2-3
Census data, 13, 69-70
Chanan, D.R., 164n
Chandragupta Maurya, 78, 148, 151
Child marriages, 140, 144
City planning, 10-11, 97
Civil service, 13, 28, 45, 48-68
  Checks and balances, 59-61 Trade
  Conduct and discipline, 55-7
  Death on duty, 55
  Duty assignment, 53
  Estimates, 64-6
  Gradation, 54
  Loyalty, 57-8
  Origin, 48-50
  Punishments, 57, 58, 59-60, 121
  Qualifications, 52
  Recruitment, 51, 52-3
  Salary, 66

Selection board, 52
Service conditions, 54-5
Weaknesses, 68
Coins manufacturing, 3
Collective tax, 85
Compulsory labour, 74, 85
Consumers' protection, 99, 100, 115
Cooperatives, 14-15, 18
Corn Laws (Great Britain), 106
Council of Ministers, 43-4, 51
Strength, 52
Courts, 28-9, 66, 119, 120-2
Crown lands, 2, 63-4, 73-4, 77, 83

D

Dairy farming, 3
Daśaratha, 177, 178
Delegated legislation, 29
Devadāsis, 90
Dharmasthiya courts, 119, 120, 121-2
Judicial procedure, 122-4
Dikshitar V.R. Ramachandra, 44
Diodorus, 84
Distilleries, 86, 93
Divorce, 139
Dowry, 128, 141
Dreams interpretation, 175
Dress and ornaments, 150-1
Drinking, 146, 153, 156-8
Drought, 80, 82

E

Economics of Welfare (Pigou), 1
Education, 134-5
Egypt, 48
Elephant forests, 2, 87
Employees-employers relations, 1, 5, 167-9
Employment, 1, 9, 10, 18
Entertainments, 146-9
Espionage, Central Bureau of, 59
Excise Department, 64

F

Family system, 9-10, 145
Famines, 11, 80-1, 82
Farm produce
State purchases, 81-2
Ferrying, 3
Festivities, 146, 149-50, 158
Feudal trait, 70, 71
Fishing, 3
Floods, 80, 81, 82
Food habits, 153-6
Food policy, 69-85
Forced labour, 16, 74, 126
Foreign assistance, 82
Foreign trade, 1, 6, 7, 102, 105-6
Foreigners, 6-7, 8
Forests, 2,3,50,64,76,86,87,88-9, 165
Fort conquering, 38-9
Fortune-tellers, 176
Free labour, 80
Full Employment in a Free Society (Beveridge), 1
Furniture industry, 50, 96

G

Gambling, 146
Ghoshal, U.N., 24, 33
Girnar Rock-Edict, 78
Gonda, 171n
Government regulation of business, 1, 4, 6, 18, 56

H

Hammurabi, 48
Herodotus, 92n
Hired labour, 74, 165
Hoarding, 106, 114
Husband-wife separation, 140

I

Images worship, 172-3
Imprisonment, 126
Industries, 1, 86-96, 165
Inheritance, 143-4
Intercaste marriages, 130

Irrigation, 2, 4, 50, 77-8
Ivory industry, 95

J

Jains, 176
Janapada settlements, 70-1
Jayaswal, K.P., 41n, 44, 91
Jewellery industry, 86, 93-5
Judges, 66, 121-2, 124, 128
  Punishment, 58
Judicial decisions
  Caste considerations, 128-9
Judicial fines, 16, 125
Judicial procedure, 119-20, 122-4
Justice, Administration of 24-7, 28-9, 116-29

K

Kane, P.V., 24n, 25, 29n
Kangle, R.P., 57n, 59n, 65, 77n, 91n, 126, 133n
Kanṭakaśodhana courts, 28-9, 119, 120-1
Kielhorn, 171
King, 19-47
  Absolutism, 31-2
  Administrative functions, 117-18
  As source of law, 22-8
  Calamities' gravity, 19-20
  Checks and balances, 33-4, 43, 46
  Dethronement, 31
  Divine sanction, 46-7
  Education and training, 21-2, 29
  Executive and military functions, 22-3, 28
  Functions *re*. conquered, 38-9
  Judicial functions, 22, 23, 27, 28
  Legislative functions, 22, 23, 27, 28
  Limitation of powers, 32-3
  Ministers and Council, 43-6
  Personal safety, 29-30
  Privileges, 31
  Quasi-legislative functions, 29
  Religion's influence, 41-3
  Religious duties, 17-18, 27, 28
  Religious training, 33-4
  Vices affecting state, 20-1
  Weaknesses, 30-1
King's slaves, 162
Kingship, 40-1
Kṛṣṇa worship, 171-2
Kshatriyas, 132-3

L

Labourers, 165-9 – Labour
  Menials, 165
  Punishment, 167-8
  Skilled, 166
  Wage-earners, 166-7, 168-9
Laissez-faire, 1, 2, 98, 165
Land colonization, 71, 76
Land grants, 71
Land reclamation, 2, 71, 75, 84
Land tenure, 70, 83-4
  Irrigated land, 81-2
Lasseen, Mr., 91
Law enforcement, 28-9, 116-29
Law sources, 23-8, 118-19
Leather industry, 95
Legal disputes, 119
Licensing, 107-8, 114
Limbs mutilation, 125-6
Literacy, 134-5
Louis XIV, 20
Love of gaity, 150-1

M

McCrindle, Mr., 132n
Magical rites, 47, 152, 174, 175-6
Mahābhārata, 23, 41, 171
Majumdar, R.C., 23n, 130n, 131n, 135n, 136n, 137n, 138n, 148n, 149n, 150n, 151n, 159n
Mānavas, 52
Manu, 40, 105, 108, 113
Market bulletin, 100
Market control, 1, 50, 97-115
  Salient features, 114-15
Market *hartals*, 107

Market hours, 7, 101, 114
Market towns, 97-8
Marriages, 130, 136-40, 145
Meat-eating, 150, 134-5
Megasthenese, 6, 50, 94, 125, 126, 127, 130, 131, 135, 136, 144, 152, 159, 165, 172, 175
Mesopotamia, 48
Middlemen, 101, 102, 113
Mines, 2, 62-3, 86-8, 89
  Government, 2, 50
  Private, 3-4, 87
Ministers, 19, 22, 43-5, 51-2
  Recruitment, 52, 53
Mixed castes borns, 137
Monarchy, 19, 40-1
  Elected, 4, 89
  Hereditary, 49
Monks, 177-8
Mookherjee, R.K., 27, 28n
Moral welfare, 12
Music and dancing, 147-8

N

Nābhāga, King, 21
Naga gods, 173
Nārada, 25, 26
Nārada Smṛti, 23
Natural calamities, 21, 80-3
Nearchus, 135
Niyoga, 139, 140
Nṛganṭhas, 177
Nuns, 178

P

Pāṇini, 171, 172
Passport Department, 64
Patañjali, 171, 172
Patliputra, 6
Patna Museum, 173
Paveni-Pustaka, 24
Perfumes industry, 95-6
Pigou, A.C., 1
Planning, 69-70, 97-8
Pleges slaves, 159-65
Polygamy, 141, 144
Popular discontment, 36-8, 39
Port duty, 111
Price-fixing, 7, 8, 50, 101, 103, 104, 111, 113, 114
Priests, 42-3
Princes
  Education and training, 21-2, 29-30, 135
Private enterprises, 3-4, 50, 98
  State control, 1, 2, 4-6, 18, 56
Professional classes
  Anti-social activities, 12
Profit rates, 7, 8, 98, 101
Prostitution, 64, 146-7, 162-3
Public health, 10-11
Public opinion, 34, 35-6, 39, 40, 47, 116, 117
Punishment, 116, 118, 125-7
Purohitas, 42-3, 130-1, 132
Pushyamitra Sūnga, 132

R

Rainfall, 74-5
Ranches, 2
Ray Choudhari, H.C., 171
Religious deities, 170-1
Religious life, 170-9
Religious movements, 79
Religious propaganda, 178-9
Religious property, I78-9
Religious sacrifices, 43, 50, 174, 178
Religious saṁskāras, 178
Ṛgveda, 93
Road cess, 110-11
Roads, 8-9, 14-15

S

Sahgaura Copper-plate inscription, 81
Secret agents, 67
Services class, 12
Sex life, 130, 142, 145
Shastri, K.A.N., 23n, 24, 33
Silk industry, 92
Sinha, H.N., 22, 29
Slaves-labour, 164-5

Slaves, 74, 134, 145, 159-65
  Judicial disabilities, 163
  Types, 159-60
Social insurance, 9-10
Social life, 130-52
Sooth-sayers, 176
Spies, 36, 47, 49, 54, 56, 57, 59-60, 178
Spinning and weaving, 86,90-2
Sports and entertainments, 146-9
Śrotriya Brahmans, 70
State, The
  Welfare role, 1-18
State enterprises, 2-3, 4, 18, 50
State monopolies, 105-6
State ownership, 98
State trade, 3, 102, 103
Strabo, 152, 165
Strikes, 107
Sudarśana Lake, 78
Śūdras, 133-4
Superstitions, 151-2, 174-5, 176
Swimming, 148

T

Tantric practices, 176
Taxation, 16-17, 35, 36, 41, 46, 167
  Assessment, 70
  Exemptions, 34-5, 70, 76, 78
  Rates, 32
Temple property, 64, 178-9
Textile industry, 50, 63-4, 90-2
Thothmos III, 48
Toll tax, 16, 103, 108-10, 112, 114
Tortures, 124-5
Trade centralisation, 102-3
Trade facilities, 112-13
Trade offences, 106-7
Trade restrictions, 6-8, 12, 50, 98
Trade spies, 111
Trade taxes, 108-11
Transit duties, 111
Transportation, 3, 76

U

Untouchability, 134

V

Vaiśyas, 133, 136
Vājapeya sacrifice, 49
Varṇaśramadharma, 130,177
Varuna, Lord, 49
Vāsudeva cult, 171-2
Vedic deities, 170
Vegetables trade, 3
Village autonomy, 42
Village census, 69-70
Village cooperatives, 4, 15, 77-8
Village life, 14-15, 69-85
Village planning, 97-8
Vishti, 134

W

Wages, 166-7, 168, 169
War captives, 159, 160, 164
War emergency, 80
Waste land, 2, 75, 76
Water resources, 4-5
Water-tax, 16
Weapon manufacturing, 92, 93
Weaving industry, 3, 5, 86, 90-2
Weights and measures, 4-5, 98-100, 112, 114
Welfare state, 1-18
  Kauṭiliyan concept, 2-3
  Nature, 1-2
Widow remarriage, 139-40, 143
William, Monier, 59n
Witchcraft, 174, 175-6
Witnesses, 119-20, 123-4
Women
  Employment, 3, 5, 10, 90, 168
  Property rights, 142-3
  Punishment, 125-6
  Slaves, 160-1, 162-3, 164
  Social status, 136-45

MAHABHARATA : MYTH AND REALITY

Differing Views

Editors : S. P. Gupta and K. S. Ramachandran

Size : 23 cm. Pp. 260 (approx) Illus. 18 Rs 80

The *Mahabharata* has come to us as an epic but in a form and content different from the Homeric *Iliad*. Obviously, it has been much more difficult to sift simple historical realities from the *Mahabharata*, a text highly impregnated with religious fervour having clear-cut social and moral aims in view, than from the *Iliad*, which is basically a historical narrative in highly ornate language permissible for epic writers. Not only that, while the *Mahabharata*, starting in an uncertain antiquity, has gradually grown in time from 8 800 to 1,00,000 verses on the admission of its own authors, most of whom appear to be balladeers *par excellence*, the *Iliad* has been the work of a single author of the 8th century B.C.

For the last hundred years or so, much has been done in the direction of establishing the historicity of the Mahabharata war as also of separating other historical realities from legends and myths by historians, archaeologists, astronomers and other specialists, still, sometimes diametrically opposite views have been expressed by scholars. In order to elucidate the real historical events round which legends and myths have grown in time and space, it has been felt necessary to bring together in one volume all these views for the proper understanding of not only the limitations and possibilities of the previous work but also to formulate fresh approaches and methodologies of research for the future.

The contributors are ; D.P. Agarwal, A.H. Dani, V.P. Dwivedi, A. Ghosh, S.P. Gupta, Sheila Kusumgar, R.C. Majumdar, V.N. Mishra, C.B. Pandey, H.A. Phadke, S.B. Roy, D.C. Sircer, U.V. Singh, K.V. Sundrarajan, Romila Thapar, Shashi Asthana, V.N. Datta, R.C. Gaur, Ram Gopal, M.C. Joshi, B.B. Lal, V.V. Mirashi, Amarendra Nath, V.C. Pandey, K.S. Ramachandran, H.D. Sankalia, Ajaya Mitra Shastri, B.P. Sinha, Upendra Thakur and K.C. Varma. Also included are the most considered views of : Lallanji Gopal, J.P. Joshi, Raja, K.S. Ramachandran, B.V. Raman and R.P. Sharma.

Prof. Nihar Ranjan Ray, who needs no introduction to Indologists, has written a detailed Foreword to the monograph.

AGAM PRAKASHAN, DELHI.